

JOURNAL

OF

J. B. Dillon

THE "SENATE

OF

THE STATE OF INDIANA,

DURING THE

TWENTY-FIFTH SESSION

OF THE

GENERAL ASSEMBLY.

INDIANAPOLIS:

DOUGLASS & NOEL....PRINTERS.

1840.

SENATE

OF

THE STATE OF INDIANA.

The Twenty-fifth Session of the General Assembly of the State of Indiana, begun and held at the Capitol in the Town of Indianapolis, on Monday the seventh day of December, in the year of our Lord one thousand eight hundred and forty, being the day appointed by the Constitution for the meeting of the General Assembly.

PRESENT:

The Hon. DAVID HILLIS, President of the Senate, who having taken his seat, directed the call of the members; whereupon the following Senators answered to their names:

- From the county of Morgan*—Grant Stafford;
- From the counties of Gibson, Pike and Dubois*—John Hargrove;
- From the county of Orange*—Ezekiel Riley;
- From the counties of Hancock and Madison*—Thomas Bell;
- From the county of Rush*—Joseph Lowe,
- From the county of Wayne*—Achilles Williams;
- From the county of Washington*—Henry W. Hackett;
- From the county of Lawrence*—Gustavus Clark;
- From the county of Jefferson*—Copeland P. J. Arion;
- From the county of Clark*—William G. Armstrong;
- From the counties of Grant and Owen*—David M. Dobson;
- From the county of Henry*—Jehu T. Elliott;
- From the counties of Bartholomew, Brown, and Jennings*—Zachariah Tannehill;
- From the counties of Vermillion, Warren, and part of Jasper*—James Blair;
- From the county of Harrison*—Henry Kinzer;
- From the counties of Jackson and Scott*—John F. Carr;
- From the county of Ripley*—James H. Cravens;
- From the counties of Perry, Spencer, and Crawford*—G. Burton Thompson;
- From the counties of Knox, Daviess, and Martin*—Robert N. Car-

SEE P. 237- R. 41

From the county of Monroe—William Berry;
 From the county of Johnson—Samuel Herriott;
 From the county of Shelby—Joseph B. Nickel;
 From the counties of Boone and Hamilton—Jacob Angle;
 From the county of Hendricks—Christian C. Nave;
 From the county of Putnam—A. C. Stephenson;
 From the counties of Grant, Wabash, Huntington, Blackford, and Jay—John Foster.

SENATORS ELECTED IN 1840.

From the county of Marion—Robert Hanna;
 From the county of Franklin—David Mount;
 From the county of Dearborn—Johnson Watts;
 From the county of Decatur—James Morgan;
 From the county of Switzerland—Joseph C. Eggleston;
 From the counties of Cass, Miami, and Fulton—Williamson Wright;
 From the counties of Delaware and Randolph—Michael Aker;
 From the counties of Fayette and Union—Samuel W. Parker;
 From the counties of St. Joseph, Kosciusko, Marshall, and Stark—Thomas D. Baird;
 From the Counties of Laporte, Porter, Lake, White, Pulaski, and part of Jasper—Sylvanus Everts;
 From the county of Parke—Samuel H. McCord;
 From the county of Wayne—Charles H. Test;
 From the county of Fountain—Absalom Mendenhall;
 From the counties of Vigo, Sullivan, and Clay—James T. Moffatt;
 From the county of Montgomery—John Beard;
 From the county of Tippecanoe—Samuel Hoover;
 From the county of Floyd—James Collins;
 From the counties of Carroll and Clinton—Horatio J. Harris;
 Who, having produced their credentials, and taken the oath prescribed by the Constitution, which was administered by the Hon. James Morrison, President Judge of the Fifth Judicial Circuit, took their seats.

On motion of Mr. Lowe,

The Senate proceeded to the election of a Principal Secretary, Messrs. Lowe and Armstrong acting as Tellers, and on counting the votes, upon the first ballot it appeared that

Douglass Maguire received - - - 25 votes,

Samuel A. Huff " - - - 12 "

Scattering and blank " - - - 7 "

Douglass Maguire was declared duly elected, and was sworn into office by the Hon. James Morrison, President Judge of the Fifth Judicial Circuit.

On motion of Mr. Bell,

The Senate next proceeded to the election of an Assistant Secretary,

ry, Messrs. Bell and Hargrove being appointed Tellers; when, on counting the votes on the first ballot, it appeared that

Alexander H. Dill received	- - - -	9 votes,
I. S. Drake	" - - - -	11 "
William T. Collum	" - - - -	10 "
J. M. Wallace	" - - - -	5 "
Scattering	- " - - - -	8 "

Neither of the candidates having received a majority of all the votes given, the Senate proceeded to a second ballot, when

Alexander H. Dill received	- - - -	7 votes,
I. S. Drake	" - - - -	12 "
W. T. Collum	" - - - -	18 "
J. M. Wallace	" - - - -	4 "
Scattering	" - - - -	4 "

No person having received a majority of all the votes given, the Senate proceeded to a third balloting, when

I. S. Drake received	- - - -	13 votes,
William T. Collum	" - - - -	23 "
Scattering	" - - - -	8 "

William T. Collum was declared duly elected, and was sworn into office.

On motion of Mr. Carr,

The Senate proceeded to the election of an Enrolling Secretary, Messrs. Baird of St. Joseph and Carr acting as tellers, and after eight unsuccessful ballotings, a ninth ballot was taken which resulted as follows:

William C. Smydth received	- - - -	23 votes,
Richard J. Hubbard	" - - - -	19 "
Scattering	- - - -	2 "

William C. Smydth was declared duly elected and sworn into office.

On motion of Mr. Dobson,

The Senate proceeded to the election of Doorkeeper, Messrs. Dobson and Stafford acting as tellers, and a first and second ballotings without an election, the Senate,

On motion, adjourned.

2 o'clock, P. M.

The Senate assembled.

And again proceeded to balloting for Doorkeeper, when on counting the fifth ballot, it appeared that

John Cook had	- - - -	23 votes,
David Miller	- - - -	14 "
Scattering	- - - -	7 "

John Cook was declared duly elected and sworn into office.

Mr. Morgan moved to proceed to the election of a Sergeant-at-Arms, which was not agreed to.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Blair, Carr, Clark, Dobson, Everts, Morgan, Parker, Riley, Tannehill, and Wright—11.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Beard of Montgomery, Bell, Berry, Carnan, Collins, Cravens, Eggleston, Elliott, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McChord, Mendenhall, Moffatt, Mount, Nave, Nickel, Stafford, Stephenson, Test, Thompson, Watts and Williams—33.

On motion of Mr. Hanna,

Resolved, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected Douglass Maguire Principal Secretary, William F. Collum Assistant Secretary, William C. Smydth Enrolling Secretary, and John Cook Doorkeeper, and that they are now ready to proceed to legislative business.

On motion of Mr. Baird of St. Joseph,

Resolved, That the editors of the several newspapers in Indianapolis be permitted to occupy seats within the Senate Chamber, during the present session for the purpose of reporting the proceedings of the Senate.

On motion of Mr. Clark,

Resolved, That the Doorkeeper be instructed to procure a thermometer for the use of the Senate Chamber, and that it be made his special duty to keep the atmosphere within the Chamber as near as possible at the same temperature during the sitting of the Senate of each day.

On motion of Mr. Stafford,

Resolved, That the joint rules which were in force for the government of the last General Assembly be adopted by the Senate as the rules of the joint action for the present session, and that the House of Representatives be informed of the adoption of said joint rules, and their concurrence requested therein.

On motion, the Senate adjourned.

TUESDAY MORNING, DEC. 8, 1840.

The Senate assembled.

The President laid before the Senate annual reports from the Madison, Richmond, and Terre-Haute Branches of the State Bank of In-

diana, and on motion of Mr. Lowe, said reports were ordered to lie on the table.

Mr. Nave offered for adoption the following resolution:

Resolved, That the Doorkeeper of the Senate be authorized to contract in behalf the State, with the editors of the Indiana Journal and Democrat, (being published at this time in Indianapolis,) for three separate copies of the same number of each of said papers, to be by said editors enveloped and safely delivered in the Senate Chamber, to the President and each member of the Senate, during the present session of the General Assembly; and the price to be agreed upon not to exceed the price paid by subscribers in advance for said papers during the session.

Mr. Watts moved to amend the resolution by adding the following words: "at the expense of each Senator."

Mr. Stephenson moved to lay the resolution and proposed amendment on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Armstrong, Beard of M., Carr, Collins, Cravens, Eggleston, Foster, Hackett, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, Morgan, Mount, Nickel, Parker, Stephenson, Test, Thompson, Watts, Williams, and Wright—25.

Those who voted in the negative were,

Messrs. Angle, Baird of St. Joseph, Bell, Berry, Blair, Carnan, Clark, Dobson, Elliott, Everts, Hanna, McChord, Mendenhall, Moffatt, Nave, Riley, Stafford, and Tannehill—18.

So said motion prevailed.

The following message was received from the House of Representatives, by Mr. Hager their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolutions, to-wit:

Resolved, That the Clerk of this House inform the Senate that the House of Representatives have convened, formed a quorum, and elected Samuel Judah Speaker, Jacob H. Hager Principal Clerk, William H. Bennett Assistant Clerk, Lee M. Fulton Enrolling Clerk, and Andrew Hotchkiss Doorkeeper, and are now ready to proceed to legislative business.

Also, the following resolution:

Resolved, That a committee of two, on the part of this House, be appointed to act with a similar committee on the part of the Senate to wait on his Excellency the Governor, and inform him that the two Houses have elected their officers and are ready to receive any communication he may be pleased to make them, and to know at what

time he will make such communication; and that the Senate be informed of the adoption of this resolution, and a similar one on their part requested; and that Messrs. Morgan and Boone are appointed such committee on the part of the House of Representatives.

Mr. Stephenson moved that the Senate reciprocate the resolutions of the House, and that a committee on the part of the Senate be appointed.

Which motion prevailed,

And Messrs. Stephenson and Tannehill were appointed said committee.

Mr. Arion, having obtained leave, introduced Bill No. 1, entitled a bill for the relief of Cecil Brandt,

Which was read the first time and ordered to a second reading.

Mr. Hanna having obtained leave, presented the petition of Nancy Day, praying to be divorced from her husband Lewis Day, with accompanying documents, which were read.

Mr. Elliott moved to lay them on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Aker, Arion, Carnan, Cravens, Eggleston, Elliott, Harris, Hoover, Nickel, Parker, Stafford, Stevenson, Watts, Williams and Wright—16.

Those who voted in the negative were,

Messrs. Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Carr, Clark, Collins, Everts, Foster, Hackett, Hanna, Hargrove, Herriott, Kinzer, Lowe, McChord, Mendenhall, Moffatt, Mount, Riley, Tannehill and Thompson—22.

The said petition was then referred to a select committee.

Ordered, That said select committee consist of Messrs. Hanna, Collins and Hackett.

Mr. Everts, leave being granted, presented a petition from the Collector of Laporte county, praying an extension of the time for making the final return of the Tax Duplicate of Laporte county, and the proceedings thereon, until the first day of February next; which was read and referred to a select committee.

Ordered, That Messrs. Everts, Hoover and Eggleston, constitute said committee.

On motion of Mr. Baird, of St. Joseph,

Resolved, That the Doorkeeper be requested to make search for the copies of the rules and joint rules of the Senate, and should a sufficient number of copies not be found, to contract with the Public Printer to have them furnished as soon as practicable to each Senator and the President of the Senate.

The following message was received from the House of Representatives, by Mr. Hager, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

Resolved, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on the Rev. Mr. Goode, and request him to attend in the Hall of the House of Representatives to-day, at 2 o'clock, P. M., to open the present session of the General Assembly by prayer; and that the Senate be requested to reciprocate this resolution, and that seats be prepared for them on the right of the Speaker's Chair.

Messrs. Shanks and Blair, have been appointed said committee on the part of House.

Mr. Arion moved that the Senate reciprocate the resolution of the House, and that a committee on the part of the Senate be appointed; Which motion prevailed.

Messrs. Arion and Parker were appointed said committee.

Mr. Stephenson, from the committee appointed for that purpose, made the following report:

MR. PRESIDENT:

The joint committee appointed to wait on his Excellency the Governor, and ascertain at what time he would make his annual communication, now report that they have discharged that duty, and have been informed by his Excellency, that he will at 2 o'clock, P. M., on this day, make his annual communication to the two Houses in the Hall of the House of Representatives.

Mr. Moffatt gave notice that he would, on to-morrow, offer the following as an amendment to the Standing Rules of the Senate, viz:

That the rules of the Senate which have heretofore provided for the appointment of a standing Committee of Ways and Means, and upon the Canal Fund, be so amended as to provide that hereafter a standing Committee of Finance shall be appointed at the commencement of each session.

Mr. Wright offered for adoption the following resolution:

Resolved, That the Senate will, on the — instant, at 10 o'clock, A. M., the House concurring therein, proceed to the election of Secretary of State, Auditor of Public Accounts, Treasurer of State, Circuit Judges in the several judicial circuits and Prosecuting Attorneys, to fill vacancies that have occurred by resignation or otherwise.

Mr. Dobson moved to lay the resolution on the table, which did not prevail.

Mr. Lowe moved to fill the blank in the resolution with "Thursday, the 10th," which was agreed to.

And then the resolution was adopted, and Messrs. Wright and Thompson were appointed tellers on the part of the Senate.

And, on motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Arion, from the committee appointed for that purpose, made the following report;

MR. PRESIDENT:

The joint committee of the Senate and House of Representatives, appointed to wait on the Rev. Mr. Goode and request him to open the present General Assembly by prayer, report that they have performed that duty, and received for answer that he would comply with that request at 2 o'clock, to-day.

The following message from the House of Representatives, by Mr. Hager, their clerk, was received:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following resolution:

Resolved, That the Senate be invited to attend, *instantly*, in the Hall of the House of Representatives, to open the session with prayer, and to receive the message of his Excellency the Governor, and that seats be provided for them on the right of the Speaker's chair.

Whereupon, the Senate immediately proceeded to the Hall of the House of Representatives, and after listening to a very appropriate prayer to the Throne of Grace by the Rev. Mr. Goode, and receiving the annual Message of his Excellency the Governor, returned to their chamber.

And then, on motion, the Senate adjourned.

WEDNESDAY MORNING, DECEMBER 9, 1840.

Senate assembled.

The President laid before the Senate the annual report of the Treasurer of State.

On motion of Mr. Elliott, its reading was dispensed with, and ordered to lie on the table.

The President laid before the Senate the annual report from the Vincennes Branch of the State Bank of Indiana.

On motion of Mr. Lowe, said report was ordered to lie on the table.

Mr. Parker having obtained leave, introduced a bill entitled No. 2, a bill for the relief of J. S. Reed, which was read the first time.

Mr. Test moved that the rules be dispensed with, and that the bill be read the second time now.

Which motion did not prevail.

The bill was then ordered to a second reading to-morrow.

Mr. Thompson offered for adoption the following resolution:

Resolved, That the Doorkeeper be authorized to employ two assistants, at one dollar each per day, during the session.

Mr. Dobson moved to strike out "one" and insert "two."

Mr. Test called for a division of the question.

The question being taken on the motion to strike out, it did not prevail.

So the resolution was adopted.

On motion of Mr. Carr,

Resolved, That ——— copies of the message of his Excellency the Governor, be printed for the use of the Senate.

Mr. Baird of St. Joseph, moved that the blank in said resolution be filled with 2000. Which motion prevailed.

The following message was received from the House of Representatives, by Mr. Smith, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed the following resolution:

Resolved, That the Senate be informed that the House is now ready to open and publish the returns of the votes for Governor and Lieutenant Governor of the State of Indiana, at the late election, in the presence of both Houses of the General Assembly, and that the Senate be invited to attend in the Hall of the House for that purpose, and that seats be provided for them on the right of the speaker's chair.

Whereupon the Senate repaired to the Hall of the House of Representatives to witness the opening and publishing of the returns of votes for Governor and Lieutenant Governor, in presence of both Houses of the General Assembly; upon the completion of which it appeared that Samuel Bigger had received a majority of votes for Governor, and Samuel Hall for Lieutenant Governor of the State of Indiana: and thereupon the President of the Senate in convention, proclaimed the said Samuel Bigger to be duly elected Governor, and the said Samuel Hall Lieutenant Governor, respectively, for and during the term of three years from and after this day, and until their successors shall be elected and qualified. And the Senate returned to their chamber.

The President laid before the Senate the annual report of the Auditor of State, which was read, and on motion of Mr. Stevenson, ordered to lie on the table.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House have passed the following resolution:

Resolved, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on his Excellency, Samuel Bigger, and the Hon. Samuel Hall, and inform them of their election, the first to the office of Governor, the second to the office of Lieutenant Governor of the State of Indiana; and to ascertain of them at what time it will be their pleasure to take the oath of office.

Messrs. Jones and Harding were appointed the committee on the part of the House.

Mr. Hargrove moved that the Senate reciprocate the resolution of the House, and that a committee on the part of the Senate be appointed; which motion prevailed.

And Messrs. Hargrove and Eggleston were appointed said committee.

On motion of Mr. Blair,

Resolved, That the thanks of the Senate be tendered to the Hon. David Hillis, for the able and dignified manner in which he has presided over the deliberations of the Senate for the last three years.

Mr. Hargrove, from the committee appointed for that purpose, made the following report:

MR. PRESIDENT—

The committee appointed on the part of the Senate, to act with a similar committee on the part of the House, to wait on his excellency Samuel Bigger, and the Hon. Samuel Hall, and inform them that they are elected respectively, the first to the office of Governor, and the second to the office of Lieutenant Governor, of the State of Indiana, and to know of them, at what time it will be their pleasure to attend in the Hall of the House of Representatives, and take the oath of office, have performed that duty, and report that they have received for answer from those gentlemen that they will attend in the Hall of the House of Representatives, at 3 o'clock, P. M. on this day. And, on motion,

The Senate adjourned.

2 o'clock, P. M.

The following message was received from the House of Representatives, by Mr. Hager their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the resolution of the Senate, "that the Senate will on Thursday the 10th inst, at 10 o'clock, A. M. (the House of Representatives concurring therein,) proceed to the election of Secretary of State, Auditor of Public Accounts, Treasurer of State, and Circuit Judges in the several Judicial Circuits, and Pro-

secuting Attorneys to fill vacancies that have occurred by resignation or otherwise," with the following amendment, to-wit:

Strike out all after the word "resolved," and insert the following:

"That a committee of three members on the part of this House, be appointed to act jointly with such members as may be appointed on the part of the Senate, to inquire into the propriety of further regulating the salaries of Secretary of State, Treasurer of State, and Auditor of Public Accounts, and that the committee also inquire into, and report the amount of the salary and perquisites, arising from whatever source, pertaining to the offices of Treasurer, Auditor, and Secretary of State, with leave to report by bill or otherwise. And that the Senate be requested to attend in the Hall of the House of Representatives on to-morrow, the 10th inst, at 10 o'clock, A. M. and proceed to the election of Circuit Judges, in the several Judicial Circuits, and Prosecuting Attorneys to fill vacancies that may have occurred by resignation or otherwise; and that seats be prepared for the reception of the Senate on the right of the Speaker's chair."

In which the concurrence of the Senate is respectfully requested.

Messrs. Conwell, Clarke of Tippecanoe, and Cole, are appointed the said committee.

Messrs. Morgan and Bowles are appointed tellers on the part of the House.

On motion of Mr. Eggleston,

The Senate refused to concur in the amendment of the House of Representatives, to the resolution of the Senate, referred to in the message of the House.

On motion of Mr. Clark,

The message of his Excellency the Governor was taken up.

Mr. Clark moved that it be committed to a committee of the whole Senate, and made the order of the day for Friday next, which did not prevail.

On motion of Mr. Lowe,

It was committed to a committee of the whole, and made the order of the day for Monday next.

In pursuance of notice given yesterday, Mr. Moffatt, proposed the following amendment to the Rules of the Senate, viz:

That the Rules of the Senate, which have heretofore provided for the appointment of a standing committee of Ways and Means, and a standing committee on the Canal Fund be so amended as to provide that hereafter a standing committee on Finance shall be appointed at the commencement of each session, in lieu of the two standing committees before mentioned. Which amendment was adopted.

Ordered, That the public printer be directed to print 200 copies of the Rules of the Senate, for the use of the members.

Mr. Arion moved to take up the bill No. 1.

On motion of Mr. Arion,

Bill No. 1, for the relief of Cecil Brandt was taken up, read a second time, and,

On motion of Mr. Arion,
Referred to a select committee.

Ordered, That said committee consist of Messrs. Arion, Cravens, and Parker.

The following message was received from the House of Representatives, by Mr. Dowling, a member:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate, that the House has passed the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives, instantler, to witness the oath of office administered to his Excellency Samuel Bigger, as Governor, and the Hon. Samuel Hall, as Lieut. Governor of the State of Indiana, and that seats be provided for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the Hall of the House of Representatives, where, in the presence of both Houses of the General Assembly, the oaths to support the Constitution of the United States and of the State of Indiana, and the oath of office was administered to the Governor and Lieutenant Governor, by the Hon. Isaac Blackford, a judge of the Supreme Court.

After which the Governor rose and delivered the following inaugural address:

*Gentlemen of the Senate,
and House of Representatives:*

In assuming the duties of the office with which I have been invested, I find myself required, by considerations of the most imperative character, to state the views I entertain respecting those questions of state policy which are deeply agitating the public mind. A state of things is presented entirely unanticipated in the legislation of the years previous to the last. The system of internal improvements adopted four years since, has not prospered as was expected by its friends. It is now prostrated, and the people find themselves laboring under the complicated embarrassments of this disastrous result, and feel and express the most intense anxiety respecting the mode of relief, which may be adopted. Acting in accordance with the powers with which we are respectively clothed by the Constitution, it now devolves upon us to consult together, and you to propose such measures for prosecution as will protect the interests and promote the welfare of the people.

The full exposition which my predecessor has given of the affairs of the State up to this time, renders it unnecessary for me to advert to them, further than may be requisite to enable me to state, in an intelligible manner, such suggestions as I may make in the examination of the various questions connected with our future policy.

The question of paramount importance is, what shall be done with

our public improvements? The "System," excluding the Wabash and Erie Canal, embraces nine different works. Their aggregate length is 1,159½ miles, of which about one hundred and forty miles are fully completed. The amount expended on the different lines, many portions of which are nearly ready for use, is something over 5,600,000 dollars. To finish the whole, would require, at the present estimates, the additional sum of about fourteen millions of dollars. Operations ceased on the public works in August, 1839, with some exceptions, and most of the contracts have been surrendered to the state, under the act of last session, authorizing that course, and providing for the compensation of contractors by the issue of treasury notes. In addition to this, no provision was made by the last Legislature to pay the interest on the state debt incurred for internal improvements.

Such being the situation of our public works, several most important enquiries are presented for your consideration. Shall we undertake the simultaneous prosecution and completion of the whole, or abandon them entirely; or shall we adopt some modified plan of operations within the means and resources of the State? Their prosecution, as originally contemplated, will not be seriously urged, at this time, by any one at all conversant with our condition, and the extent of our liabilities. Such a course would be the extreme of folly. And, on the other hand, their entire abandonment, with the utter loss of the large sums of money already expended, would scarcely be less ruinous in its consequences to our credit and ultimate prosperity—leaving us to discharge the interest, and finally, the principal, without any prospect of remuneration.

If this were an original question, submitted to the Legislature for the first time, to be adopted or rejected at pleasure, you might, in its rejection, run no risks—create no embarrassments. But adopt what course you may, you are not at liberty to sketch your own plan, and then provide materials suitable to your purpose. Materials illy assorted for any design you may wish to execute, lie before you. Difficulties will impede your progress at every step. It is, at best, a choice of evils, and the question is, which is the least.

Permanent relief can only be obtained by the adoption of those measures which will enable the state to realize the largest amount from the sums already expended, bear the least oppressively on the people, and at the same time sustain her character and credit, under all circumstances. To attain this result, I would earnestly recommend a strictly defined modification of the original system, submitting the whole of the works to the most rigid scrutiny, as respects their advantages, the facility of their completion, and their present and future cost. Ample provision should be made to protect the works from injury and decay. At the proper time, let a part of them be taken up and finished, as the ascertained means and resources of the state will enable us. Let those works be selected which can be completed with the least expense, and which will yield the greatest amount of revenue, and be of the most advantage to the state, considered with reference to their extent and actual cost. The terms of this modification ought

to be well defined, and based upon principles of the most rigid economy. The work or works to be prosecuted, and the amount of money to be expended, ought to be definitely specified, leaving nothing to the discretion of the Board of Public Works, except the mere details. This will place the whole responsibility upon the immediate representatives of the people, and protect them from the evils of that legislation which indirectly screens the conduct of public officers from the corrective action of the ballot box. By a prudent adherence to these principles, although all the labor and money heretofore expended, cannot be saved from loss, still, much may be done towards rescuing the State from her present condition.

There are many who dread the prosecution of all the works, and to prevent this, they insist upon the utter prostration of the whole. Such a course, it strikes me, is exactly calculated to fasten upon us the very evils so much deprecated. As the times now are, it would not be difficult to prevent their further progress. But when a change shall come for the better, the same combination of different interests which led to their commencement, will produce the renewal of their prosecution. And if the system, in its present extent, could not command force enough to put it again in progress, its friends, rather than abandon it altogether, would unhesitatingly add other works, and thus it might be brought back upon us in a more oppressive form than at first. The question is now submitted to the good sense of those opposed to the system as projected in 1836, whether it is not the part of prudence, when it is prostrate, to join in settling a plan for its modification and restriction, which will at once put an end to all other questions respecting the manner of its prosecution.

As a measure of relief, the plan of selling out the public works, in their present condition, to companies, has been frequently suggested. The proposition is plausible; but is there even a probability that any body of capitalists can be found, who will take our works on such terms as will render the stock profitable to them, and, at the same time, be safe and advantageous to the State? All who understand the subject, know well, that the value of public improvements does not depend alone upon the amount of tolls which may be collected. The facilities furnished for the transmission of the surplus productions of the country to market, the cheapness of freight, the increase in the value of property, and the additional stimulus to trade and commerce, are some of the important advantages which are secured by judicious improvements. To make them productive in revenue, beyond the common interest of the money expended upon them, would, generally, so much increase the cost of transportation as to defeat one of the primary objects of their construction. A work may be of great advantage to the section of country through which it passes, and yet not yield such an amount, in the collection of tolls, as to induce monied men to invest their capital in such an enterprise. And furthermore, capitalists are becoming cautious in the investment of money in projects of this character. Associated wealth, clothed with corporate privileges, has been strongly denounced within the last few

years. Such associations have been held up to the public gaze, as dangerous monopolies, aristocratic in their character, anti-democratic in their tendencies, and calculated to subvert those principles which lie at the foundation of our form of government. The doctrine of vested rights, existing with reference to these institutions, beyond the unlimited control of the Legislature, has been, by many, strongly repudiated. Under such circumstances, men could not easily be found to invest their capital, to the extent proposed, where their operations would bring them in daily contact with the business of the country, and all the details of its trade and commerce.

I do not wish, however, to be understood as objecting to the project itself. It is its practicability as a means of relief, to which I wish to call your attention. After the most careful investigation of its claims, it strikes me most forcibly, that its chief merit consists in its plausibility. There can be no objection to it, if its adoption can be secured on safe principles. It ought, however, to be remembered, that it would place all our avenues of commerce and trade in the hands of a strong monied power. These companies would insist upon the exclusive right of way, and such privileges as would secure to them the full enjoyment of that right, and without which their stock might be rendered valueless by the interference of a future Legislature. It is therefore essential that the power should be reserved, of exercising a strict scrutiny over all their operations, and so far controlling them as to prevent the exaction of excessive tolls, and the opening or closing these avenues as whim or interest might dictate. And above all, the most undoubted security should be required, to save the State harmless, to the full extent of the terms agreed upon. Much caution is necessary, lest the result may increase the burdens which are now bearing down so heavily upon us. If responsible companies can be induced to take the works off our hands with proper conditions and restrictions, the State can well afford to grant the most liberal terms of payment.

A delicate question presents itself in examining how the faith of the State was left, during the present year, to the care of her fiscal agents, without the requisite legislative assistance. Year before last, a tax was levied, of thirty cents on each hundred dollars, of the grand assessment, for the payment of the interest on the debt created for Internal Improvements. Last winter the levy was reduced to fifteen cents, although the debt had been greatly enlarged from the previous year. This amount of revenue, including the poll tax, after deducting what is necessary to pay the current expenses of the State government, will fall far short of paying the interest we owe.

Men, looking only to those shifts and expedients calculated to secure present popularity, may risk such a course; but it pays no part of the public debt. Instead of discharging our liabilities gradually, they are suffered to accumulate; for while the taxes are lessened and the interest paid, as it has been this year, that amount of interest, itself drawing interest, is left to be added to the principal, or to the sum to be drawn hereafter from the people by taxation. Every pru-

dent man who owes a debt above his present means, which he intends to pay, regards its liquidation by regular instalments, as preferable to its accumulation at compound interest, whenever it can be avoided.

It is important that the people should distinctly understand the real issue tendered in this question. It is not a matter respecting merely the reduction of taxes. It goes to the question—Shall the faith and character of the State of Indiana be sustained? The Fund Commissioners, in devising the means for the payment of the interest this year, must have done so in the belief that the Legislature would ratify their proceedings, and prevent the recurrence of a similar state of things. Should you follow the example set by your immediate predecessors, it must be regarded as the solemn determination of the State, that she will not pay her debts. To do this, would affix a stain on the character of her citizens that could never be effaced, and would render our name a reproach and a by-word. We must discharge our honest liabilities with the most scrupulous punctuality. To do this, requires of those to whom the destinies of the State are confided, the firmness of men looking not to that popularity which passes away with the occasion in which it had its origin, but to her true interests and prosperity, and her disenthralment by those means which will endure the scrutiny of every fair and honorable mind. The State comes to you involved in these difficulties. The people are fully aware of the condition of their affairs. The trusts reposed in you, simply require at your hands, that as honest men, you will do the best that circumstances will permit, consistently with the honor and credit of the State; and to shrink, at this time, from providing the means for meeting her obligations, would be distrusting the honesty and intelligence of the people.

Much individual indebtedness was created during the progress of the works of Internal Improvement. When operations ceased in 1839, and prices fell at the same time, the people were left, in a great measure, without the means of commanding money to pay their debts. Should Providence bless us with fruitful seasons, the industry and economy now exercised, and the caution with which new debts are contracted, will enable them to free themselves of individual embarrassment by the close of the year 1842. Until this shall be the case, it may be found inexpedient to resort to full taxation. While seeking to discharge the interest we owe, by the sound and legitimate mode of drawing on our own resources, our citizens should be favored as much as possible, until the pressure of their own debts shall be removed. If the Legislature can provide the means of meeting the interest on the State debt, for two years, without increasing the rate of taxation beyond the reasonable ability of the people, they will then be in a much better situation to meet all necessary demands upon them; and no one, acquainted with their true character, will deny that they possess the patriotism to do so, for the purpose of sustaining the honor and integrity of the State. Provision should be made by law for supplying any deficiency which may occur in the

revenue, in order that the interest may be paid as it falls due, by resorting to such sources of relief as may occur, or to those which have been suggested by my predecessor, so far as they may be found expedient or practicable.

General enactments, granting extensive discretionary powers to public officers, are calculated to defeat the design with which the Legislature was constituted. Looking to the past, I feel it my duty to recommend that every thing respecting the finances and obligations of the State, and the payment of the interest accruing on her debts, should be regulated by law, and not left hereafter to the discretion or individual responsibility of public agents. Our bonds frequently have been sold on time, and the result is a sufficient admonition, not to part with them under any circumstances, unless they can be disposed of on such terms as will secure the money at the time of their delivery. And in meeting the contracts and liabilities of the State, in endeavoring to carry out any course of policy which may be adopted hereafter, the credit of the State should be established on such a firm basis, that no emergency could force us into the disposal of our bonds for less than their par amount.

Your attention is also solicited to the unequal assessments of real estate in the different counties, with a view of providing for their equalization. Officers not bound to any correspondence with each other, must necessarily make very different estimates of lands which are equal in value. Some alteration of the law is necessary on another ground. The counties which are to reap the advantages to be derived from the public works, ought in justice to be required to sustain an amount of taxation bearing a more equitable proportion to those advantages, than will be found to be the case under the practical operation of the existing law.

The payment of our State debt is looked upon by some as almost impossible. The public works yield but little profit in their unfinished condition, and we cannot expect any permanent relief until we can procure additional means for their prosecution. Under these circumstances, your attention is directed to the distribution of the proceeds of the public lands: not that we should apply to this source as a matter of necessity merely, but of right. Originally, many of the states owned large tracts of wild lands. During the Revolutionary war, each of the States, to a greater or less extent, incurred expenses in its prosecution. For the purpose of adjusting these expenses, and promoting the harmony of the Union, it was strongly recommended by Congress to the States owning lands, to make liberal cessions of them to the General Government. On the 10th of October, 1780, Congress enacted "that the unappropriated lands which might be ceded to the United States by any particular state, pursuant to the recommendation of Congress of the sixth of September previous, should be disposed of for the common benefit of the whole." And accordingly, several of the States ceded their unappropriated lands for this purpose. Virginia, then owning all the territory now comprised in the States of Ohio, Indiana, Illinois, and Michigan; and the

Territory of Wisconsin, accompanied its cession with the following condition, which is substantially the same with the terms of all the other cessions, that these lands "shall be considered a *common fund* for the use and benefit of such of the United States as have become or shall become members of the confederation, or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions, in the general charge and expenditure, *and shall be faithfully and bona-fide disposed of for that purpose, and for no other use or purpose whatever.*" Another portion of the public lands lay within Louisiana, purchased from France, and the Floridas, purchased from Spain. From the terms of the several cessions, and the manner in which the lands procured from France and Spain were acquired, and paid for out of the common treasury of the States, in their federate capacity, the whole must be regarded as held in trust by the General Government, for their common benefit.

The proceeds of these lands were specially held as a fund to be applied to the payment of the national debt, which was finally discharged in the year 1832. As soon as this was accomplished, a controversy arose immediately as to what disposition should be made of the public domain. It has been proposed to cede parts of it to the States within whose limits they are situated. To this the older States will not readily consent; and so far as respects the ceded lands, it would be a direct violation of the terms of their cession. In the year 1832, a bill providing for the distribution of the proceeds of the public lands passed both Houses of Congress, but failed to receive the sanction of the President. It provided that the new States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi and Louisiana, should receive twelve-and-a-half per centum on the nett proceeds arising from lands sold within those states respectively, after the 31st of December, 1832. This was to be in addition to the five per cent. before reserved, making, altogether, seventeen and a half per cent. The remaining sum was to be divided among the several States, in the ratio of their federal representative population, according to the census of 1830. The twelve-and-a-half per cent. was allowed on account of the constant and rapid increase of the population of those States. This plan of distribution was to be continued in force for five years, except in case of a war, when its operation was to cease.

By the report of Mr. Whitcomb, Commissioner of the General Land Office, laid before the Senate of the United States, in compliance with a resolution calling for information respecting the proportion of the nett proceeds of the public lands which each State would have received under the distribution bill of 1832, it appears that the whole amount realized from the time the act would have taken effect, to the 30th September, 1838, was fifty-seven millions two hundred and twenty-seven thousand five hundred and twenty dollars; and that the distributive share of Indiana, including the twelve-and-a-half per cent., would have been two millions six hundred and forty-six thousand seven hundred and forty-four dollars. The average sum annually

received by the State, would have amounted to five hundred and twenty-nine thousand three hundred and forty-eight dollars.

The reduction and graduation of the price of the public lands, and projects for their cession in some form or other, to a part or all of the States, have been assiduously kept before the people, without even a probability of the adoption of any of them. All this time the lands have been sold off rapidly, and this large sum of money has been appropriated in numerous instances, to objects of, at least, questionable utility. It has been said that if the public lands are given directly to the States, they will be wasted, and that it is holding them up for purposes of plunder and systematic fraud. If they are held by the General Government for the common benefit of the States, and for no other use or purpose whatever, it certainly is not wrong for those States to ask their appropriation in a manner that must be much more beneficial than any other disposition that can be made of them. Besides, if it were proper, the question might be pressed, whether there is not as much danger of the proceeds being wasted, or misapplied, in the hands of the General Government, as by the States, particularly when so many of them will have the strongest incentives, from the pressure of their debts, to be prudent and economical in their application. It has also been objected to the project of distribution, that it will cut off every prospect of graduating or reducing the prices at which the public lands shall be sold hereafter. To this it may be answered, that there is just as much reason to believe that the States in their eagerness to obtain their respective shares as speedily as possible, will be as much, if not more, disposed to reduce the price of the public lands equally, or by a system of graduation, as under the present plan.

An objection somewhat plausible has been raised, that the amount expended for the purchase of Louisiana and the Floridas, and extinguishment of the Indian title, together with the expenses of our land system, has far exceeded the sum derived from the public lands, and therefore there is no propriety in distributing the proceeds until enough has been obtained to cover all these expenditures. This is assuming the false premises that the people of the several States are not the people of the United States. The public domain has been paid for with the money of the people of the States in their national character; and if the General Government was free from debt, (as was the case when the distribution bill passed,) on account of the public lands or otherwise, no sufficient reason can exist why such an objection should be sustained. The fact that the revenue derived from the duties on foreign importations is insufficient to defray the ordinary expenses of the General Government, and the necessity of taking the proceeds of the public lands to supply this deficiency, has been urged as a reason against applying them to any other purpose. This has been produced by the constantly diminishing rate of imposts, under the compromise act of 1833. A tariff of duties sufficient to meet the expenditures of the Government, it is believed by many of the friends of a protective system, if properly adjusted, will afford

adequate protection to American manufactures, enable Congress to dispose of the public lands for the benefit of the States, and provide a steady and permanent market for the consumption of our agricultural products.

Schemes for the disposal of the public lands may be devised, promising greater advantages to the State of Indiana; but it is extremely doubtful whether any plan can be brought forward which will be as likely to give general satisfaction, as one similar in its general character, to the distribution bill of 1832. At least, it is certainly better while the people of our State are pressed down with the weight of their public debt, that we should avail ourselves of relief in this form, than by grasping at more, as has been done, to lose all.

Mr. Norvell, from the committee of the United States Senate, to which was referred Mr. Calhoun's land bill, made a report on the 13th of May, 1840, from which the following extract is taken, to exhibit the quantity of unappropriated lands, the proceeds of which may still be made subject to distribution. "It appears," says the committee, "from a report of the Commissioner of the General Land Office, (see Doc. 46, 3d Session, 25th Congress,) that the whole quantity in acres of the public domain on the 30th of September, 1838, to which the Indian title was not extinguished, amounted to 766,000,000, in round numbers. There was, at the same time, as appears by the same report in the States and Territories, 319,000,000 of acres, to which the Indian title was extinguished; making the whole public domain in the aggregate at the time, to be ten hundred and eighty-five millions of acres; from which about 5,000,000 of acres may be deducted for sales since made, leaving now about ten hundred and eighty millions of acres."

The correctness of this report will not be doubted. The quantity of land sold since it was made in May last, and purchased from the Indians since the 30th of September, 1838, is not sufficient to affect, materially, any calculations based on the above estimated quantities. At the present minimum price, the whole would bring thirteen hundred and fifty millions of dollars. No one, however, can determine with accuracy the average amount per acre, for which they can be sold, nor the probable cost of extinguishing the Indian title. But there can be little doubt that it is a safe estimate, to say, that the public domain can be disposed of at the average price of 75 cents per acre, and that the whole Indian claims can be obtained at the cost of 25 per centum on their value at one dollar and twenty-five cents per acre. The 766,000,000 of Indian lands, at 75 cents per acre, would be worth 574,500,000 dollars. Deducting from this amount, 25 per centum of the Congress price, making 239,375,000 dollars as the sum necessary to extinguish the Indian title, leaves the nett proceeds at 335,125,000 dollars. Then taking from the 319,000,000 of acres already acquired, 5,000,000, as the quantity sold since the 30th of September, 1838, there remain 314,000,000 of acres, which at 75 cents per acre, would produce 235,500,000 dollars. This amount, added

to the preceding estimate, makes the immense sum of 575,625,000 dollars, which may be divided among the different States.

Assuming the representation of the States in Congress as the basis of distribution, and that under the apportionment which will be made according to the census of 1840, we shall have twelve representatives, (the whole number remaining as now, at 242, and if not, our delegation will be in a similar proportion to any other number adopted,) it would make our distributive share to be 28,295,454 dollars. This calculation rests on the assumption that the population of the States is to remain the same. But Indiana will continue to increase largely in numbers for many years, far beyond many of the other States, which will entitle her to a much greater sum. After making liberal allowances to cover all deficiencies and reservations, I think we may safely set down the amount which may be derived by this State, at 30,000,000 of dollars. This sum ought not to be made liable to any deduction on account of the portion of the surplus revenue which we have received, as there can be no valid objection to its being retained, on the amount to which we would have been entitled, under the distribution bill of 1832.

If a scheme of distribution were once satisfactorily adjusted in such a manner that the State would be enabled to vest this fund, so as to apply its proceeds to the payment of her current debts, and pledge it as a security for such debts as might be found necessary to contract hereafter, for judicious works of improvement, or for other purposes, its amount and stability would place the credit of the State on a permanent foundation, lighten the taxes on the people, and furnish the means for the most liberal provision for the benefit of common schools, and the general promotion of education. It is important to bring this subject before Congress at as early a day as practicable, with instructions to our Senators and Representatives to use their exertions to procure the adoption of some mode of distribution, consistent with the rights of the States, and which will secure to us, as soon as possible, the full advantages of such a system.

The State owes the State Bank, including interest to next July, about \$692,435. It is essential to the business of the country that this debt should be arranged at as early a day as possible, inasmuch as the Bank is restricted in its accommodations to a corresponding amount. A particular connection with Internal Improvements by which this indebtedness was produced, should not be forgotten. The object of the Bank should be the promotion of the agricultural and trading interests, and its issues should be governed by the demands and wants of those interests. But if we connect it too closely with the uncertain fortunes of our public works, its whole business may in the end be controlled by their success, fluctuations, or accidental embarrassments. The Bank has become of vast importance to the people in furnishing the means to purchase and carry off their surplus produce to market. This is one of its most valuable offices, and it should be the aim of the Legislature, as it is the interest of the people, to se-

Gentlemen of the Senate:

Having arrived at the close of my services as presiding officer of the Senate, I cannot pass the present occasion without pausing, for a moment, and detaining you with the expression of the feelings which the present moment inspires. I know, in common with yourselves, the importance of the situation I have occupied for the last three years, and have felt as you may have seen, my incompetency to the arduous duties it has involved.

When called by the suffrages of my fellow citizens to this chair, the distrust in my own abilities to perform its duties, was felt and acknowledged to the Senate, and your kind indulgence and support invoked to my relief.

This invocation was not in vain; for during the whole period of my services in the chair, I have experienced to the most liberal extent your sustenance and aid.

This parting moment brings into exercise all the sympathies of friendship, and kind and affectionate feelings which the most agreeable intercourse, and the most difficult and ardent services, those in which we have been engaged, are well calculated to have created and produced. Our difficulties have been great and our services have involved the most important interests of the State; and this during a period in which the stormy elements of national politics have been furiously impelled and excited around us.

The magnitude of our own State undertakings has created for us heavy responsibilities.

We have advanced with our system of Internal Improvements, till we have staggered under its burden and come to a pause. All can now see, what few could then see, and which none could prevent, that we have undertaken too much, and all can now see that the classification of our public works would have averted the evil consequences of our undertaking; for in that event the means already employed would have finished some of them, and the state might have stopped for a period without injury.

The labor performed and the money expended would have been beneficially felt by the State. But this could not then be done, and though no one is to blame, it has produced difficulties, which will require in our legislative councils the greatest sagacity and energy to overcome. But our condition, however difficult, is not beyond our ultimate means and control. Prosperity will, it is to be hoped, again dawn upon the country, and this will develope and bring into action the present and rapidly increasing means of the State.

The evils of our recent political conflict, will in all probability terminate with the conflict itself, and the time is near at hand, when former harmonious, social, and political relations will be restored to our disturbed and distracted country; for though party spirit may to some extent be necessary to purify our political atmosphere, we must

all admit that it has recently stalked over our land in fearful and dangerous magnitude.

We must never suffer ourselves to forget that we are all brethren of the same family, that the minority have equal rights with the majority, and that these rights we are bound to protect. We must not permit ourselves to fall into that great error of political proscription, against which we have been warring for years past.

Greatly indebted as I feel to the people of this State for the honors conferred on me and the confidence bestowed, and certain as I am that that debt can never be paid, I can only console myself with a consciousness, of having faithfully discharged, to the extent of my ability, the trusts and duties imposed, and whether the present moment shall terminate my political life, or subsequent events again engage me in the service of the state, whatever my situation may be, I shall never cease to feel the warmest effusions of gratitude toward the people of Indiana; nor cease to invoke the choicest blessings of heaven upon our beloved country.

To you Gentlemen, individually, I offer in parting, the most sincere and affectionate salutations of my heart. I wish you a pleasant session, and a safe return to your families and friends, and much happiness in all future life.

The Hon. Samuel Hall, Lieutenant Governor, was then conducted to the Chair by the Hon. David Hillis, late Lieutenant Governor, who on taking the Chair, addressed the Senate as follows:

Gentlemen:

I embrace this as probably being the only opportunity I shall ever have of doing so, of returning through you to the sovereign people of Indiana, my grateful thanks for the honor conferred in electing me to preside over this honorable body. Never having been a member of the Senate, and but for a short period of time of the House of Representatives, I enter upon the discharge of the duties as President of the Senate, distrusting much my abilities to perform them. Relying, however, on your aid, I shall exercise my best exertions to enforce such rules as your body have or may adopt for the transaction of business.

And then, on motion, the Senate adjourned.

THURSDAY MORNING, DECEMBER 10th, 1840.

Senate assembled.

The President laid before the Senate annual reports from the Bedford, Evansville and New Albany branches of the State Bank of Indiana; which,

On motion of Mr. Dobson, were ordered to lie on the table.

Mr. Hanna offered for adoption the following resolution:

Resolved, That a select committee of one Senator from each Congressional District be appointed, to enquire into the expediency of electing members of Congress by General Ticket.

On motion of Mr. Dobson, and with the consent of the mover, said resolution was ordered to lie on the table.

On motion of Mr. Stevenson,

Resolved, That—copies of his Excellency Gov. Biggers's Inaugural Address, be printed for the use of the Senate.

Mr. Blair moved to fill the blank with 2000; which was agreed to.

Mr. Dobson moved to take from the table the resolution offered on Tuesday by Mr. Nave, on the subject of newspapers.

On which motion the ayes and noes were ordered.

Those who voted in the affirmative were,

Messrs. Angle, Baird of St. Joseph, Bell, Blair, Carnan, Clark, Dobson, Elliott, Everts, Hanna, Harris, Lowe, McCord, Mendenhall, Moffatt, Nave, Riley, Stafford, Test, and Thompson—20.

Those who voted in the negative were,

Messrs. Aker, Arion, Armstrong, Beard of M., Berry, Carr, Collins, Cravens, Foster, Hargrove, Herriott, Hoover, Kinzer, Morgan, Mount, Nickel, Parker, Stevenson, Tannehill, Watts, Williams, and Wright.—22.

So the motion did not prevail.

The President laid before the Senate a report from the Secretary of State on the subject of the State Library; which was read, and,

On motion of Mr. Stevenson, ordered to lie on the table.

Mr. Baird of St. Joseph having obtained leave, introduced a bill, entitled,

No. 3—A bill to attach White, Pulaski and Fulton counties, to the 8th Judicial District, and for the formation of a Twelfth Judicial District.

Which was read a first time, and ordered to a second reading.

On motion of Mr. Test, bill No. 2, entitled, a bill for the relief of J. S. Reed, was taken up, read a second time, and ordered to a third reading.

Mr. Baird of St. Joseph gave notice, that on to-morrow he would offer the following resolution:

Resolved, That the standing rules of the Senate be so amended, that an additional standing committee be formed, to be styled, Committee of Federal Relations.

Mr. Thompson offered the following resolution:

Resolved, That a committee of one from each Judicial Circuit be

appointed, to apportion the representation in our State Legislature for the next five years, in conformity with the requisitions of the second section of the 3d article of the Constitution of Indiana.

Mr. Parker moved to amend the said resolution by adding the following: "and that the committee be instructed to decrease the number of Senators and Representatives—the former to *thirty* and the latter to *sixty* members."

Mr. Watts moved to amend the amendment, by directing the committee to inquire into the *expediency* of reducing the number, instead of making it *imperative*;

Which was accepted by Mr. Parker.

Mr. Moffatt moved to lay the resolution and pending amendment on the table; which motion prevailed.

Mr. Thompson moved to take up the resolution, which motion did not prevail.

Mr. Arion made the following report:

Mr. PRESIDENT:

The select committee to whom was referred, bill No. 1, entitled, "A bill for the relief of Mrs. Cecil Brandt," have according to order, had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Mr. Watts moved to amend the bill by adding the following proviso: "Provided however, that if hereafter any heir or heirs of the said Charles H. Jenneret should appear, his, her, or their rights, as such heir or heirs, shall not in any way be affected by the passage of this act."

Which was not adopted.

The said bill was then ordered to a third reading to-morrow.

Mr. Everts, from the select committee to whom was referred the petition of Wyllis Peck, reported a bill, entitled a bill No. 4, for the relief of the Collector of Laporte county; which was read a first time, and,

On motion of Mr. Everts, the rules were dispensed with, and the bill was read a second time.

Mr. Everts moved further to dispense with the rules, and that the bill be read a third time now.

Mr. Lowe moved that the bill lie on the table; which motion did not prevail.

The question recurring on Mr. Everts' motion, it was determined in the negative, and the bill was then ordered to a third reading to-morrow.

On motion of Mr. Test,

Resolved, That a select committee be appointed to prepare and report a bill to amend the act entitled, "an act to prohibit the issuing or circulating of small notes, commonly called 'shin plasters,'" approved February 24, 1840, so as more effectually to carry out the provisions of said act, by subjecting any person issuing or circulating

small bills under the denomination of five dollars, in the form of Bank Notes, to punishment by indictment or presentment, except such small notes as may be hereafter authorized to be issued by the State Bank of Indiana.

Mr. Lowe moved to amend the resolution by striking out all after the word "presentment."

Mr. Bell moved to lay the resolution and proposed amendment on the table, which did not prevail.

After some debate,

Mr. Watts renewed the motion to lay on the table, which was determined in the affirmative.

And then the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The following communication was received from the office of Secretary of State:

INDIANAPOLIS, Dec. 10, 1840.

HON. SAM'L. HALL,

President of the Senate:

Sir—Delano R. Eckles, Esq., the Prosecuting attorney of the 7th judicial circuit, did, on Saturday, file in my office his resignation to take effect from and after the fifteenth day of February next.

I am, Sir, your ob't serv't,

WM. J. BROWN,

Secretary of State.

The President laid before the Senate the report of the Treasurer of State in relation to the three per cent. fund; which was read, and ordered to lie on the table.

The President also laid before the Senate the report of the Treasurer of State in relation to the Surplus Revenue; which was read and ordered to lie on the table.

On motion of Mr. Stevenson,

Resolved, That the Treasurer and Secretary of State and Auditor of Public Accounts each, be requested to inform the Senate the amount from all sources that he receives for his services to the State, specifying the amount of each item separately.

Mr. Aker, on leave granted, introduced a bill No. 5, entitled a bill to repeal an act entitled, an act for a more uniform mode of doing township business in the county of Randolph, approved, January 21st, 1839;

Which was read a first time and passed to a second reading.

On motion of Mr. Armstrong,

The Inaugural Address of his Excellency, Governor Bigger, was committed to the same committee of the whole to which was committed the message of His late Excellency, Gov. Wallace.

On motion of Mr. Watts,

Resolved, That the Treasurer of State be respectfully requested to

report to the Senate, whether he has not held a correspondence with the Commissioner of the Land Office, or other officers, in relation to the amount of the three per cent. fund due this State from the entry of lands lying within the State, entered at Cincinnati, and if so, give the result of such correspondence.

Also to report to the Senate all the information in his possession as to the amount and condition of such fund.

The Senate Adjourned.

FRIDAY MORNING, DEC. 11, 1840.

Senate Assembled.

The President announced to the Senate the following standing committees:

STANDING COMMITTEES.

ON ELECTIONS.

Messrs. Collins, Bell, Berry, Blair, Aker, Herriott, Hoover, Kinzer, Mendenhall, and Mount.

ON FINANCE.

Messrs. Parker, Beard of Montgomery, Moffatt, Wright, Carnan, Cravens, Eggleston, Thompson, and Test.

ON THE JUDICIARY.

Messrs. Test, Parker, Carnan, Thompson, Eggleston, Elliott, Angle, Nave, Collins, Cravens, Hackett, Harris, Wright, and Baird of St. Joseph.

ON FEDERAL RELATIONS.

Messrs. Carnan, Collins, Eggleston, Elliott, and Baird of St. Jos.,

ON EDUCATION.

Messrs. Thompson, Clarke, Carr, Arion, Wright, Dobson, Hanna, Parker, and Nickel.

ON MILITARY AFFAIRS.

Messrs. Blair, Watts, Berry, Carr, Tannehill, Everts, Foster, Riley and Stafford.

ON ROADS.

Messrs. Stafford, Hargrove, Kinzer, Lowe, Tannehill, Stevenson, Williams, and Foster.

ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Baird of St. J., Thompson, Hargrove, Carnan, Moffatt, Arion, Hackett, Lowe, Mount, Williams, Aker, Bell, Herriott, Beard of M., and Harris.

ON THE TOWN OF INDIANAPOLIS.

Messrs. Hanna, Aker, Hoover, Angle, Dobson, Everts, Mendenhall, and McCord.

ON CLAIMS.

Messrs. Dobson, Riley, Nickel, Nave, Morgan, McCord, Armstrong, and Berry.

ON THE STATE PRISON.

Messrs. Armstrong, Collins, Foster, Riley, Hackett, Morgan, Mount, Kinzer.

ON THE STATE LIBRARY.

Messrs. Bell, Armstrong, Blair, Carnan, Stevenson, Clarke, and Hoover.

ON PUBLIC BUILDINGS.

Messrs. Moffatt, Kinzer, Aker, Herriott, Clarke, Morgan, Nickel, and Lowe.

ON THE STATE BANK.

Messrs. Arion, Cravens, Eggleston, Carnan, Hoover, Collins, Everts, Moffatt, and Williams.

ON AGRICULTURE.

Messrs. Watts, Tannehill, Stevenson, Stafford, Mendenhall, and McCord.

ON CORPORATIONS.

Messrs. Eggleston, Angle, Elliott, Nave, Carr, Morgan, and Watts.

ON ENROLLED BILLS.

Messrs. Harris and Williams.

JOINT COMMITTEES.

ON PUBLIC BUILDINGS.

Messrs. Hargrove, Hoover, and Hanna.

ON THE CANAL FUND.

Messrs. Elliott, Everts, and Stevenson.

ON THE STATE LIBRARY,

Messrs. Riley, Stafford, and Foster.

The President then announced to the Senate the following as the Order of Business to be observed during the present session:

- I. Reading of the Journal.
- II. Petitions, Memorials, and Remonstrances.
- III. Reports from Standing Committees as follows:
 1. On Elections.
 2. On Finance.
 3. On the Judiciary.
 4. On Education.
 5. On Military Affairs.
 6. On Roads.
 7. On Canals and Internal Improvements.
 8. On the Town of Indianapolis.
 9. On Claims.
 10. On the State Prison.
 11. On the State Library.
 12. On Public Buildings.
 13. On the State Bank.
 14. On Agriculture.
 15. On Corporations.
 16. On Unfinished Business.
- IV. Reports from Select Committees.
- V. Resolutions of the Senate.
- VI. Joint Resolutions.
- VII. Bills.
- VIII. Orders of the Day.

On motion of Mr. Watts, 100 copies of the Standing Committees of the Senate and of the Order of Business, were ordered to be printed for the use of the Senate.

The President laid before the Senate, the annual report of the Branch of the State Bank at Lawrenceburgh,

Which was, on motion of Mr. Stevenson, laid upon the table.

The following message from the House of Representatives was received, by Mr. Dowling, a member:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate, that the House has receded from their amendment to the resolution of the Senate, proposing to proceed on the 10th instant to the election of Secretary of State, Auditor of Public Accounts, Treasurer of State, and Circuit Judges in the several Judicial Circuits and Prosecuting Attorneys to fill vacancies that have occurred by resignation or otherwise, and have adopted the following amendment:—Strike out "Thursday, the 10th instant," and insert "Friday, the 11th instant;" in which the concurrence of the Senate is requested.

Messrs. Morgan and Bowles are appointed tellers on the part of the House.

On motion of Mr. Thompson, the Senate agreed to the amendment of the House.

In accordance with a notice given on yesterday, Mr. Baird of St. Joseph moved to take up the resolution in relation to an amendment of the Standing Rules of the Senate, which was agreed to, and the said resolution was adopted.

The President laid before the Senate the following communication from the Secretary of State, in answer to a resolution of the Senate, adopted on yesterday, in relation to the amount of salary, &c. of his office:

INDIANAPOLIS, Dec. 11, 1840.

HON. SAMUEL HALL,
President of the Senate:

SIR: In answer to a resolution of the Senate adopted on yesterday requiring me to report the amount of my salary, &c., I hasten to submit the following statement:

The salary fixed by law under the act regulating the duties of Secretary of State is fixed at \$600 00
(See Revised Code, 1838, page 557.)

Under a joint resolution of 17th February, 1838, the Secretary, for his duties as State Librarian and services rendered in relation to Wabash and Erie Canal, and other services is allowed, 450 00
(See local acts of 1838, page 442.)

Clerk hire to the amount of \$200 is allowed under the provisions of an act to amend the several acts now in force relative to the Wabash and Erie Canal lands, approved Feb. 16, 1839, 200 00

This makes the total amount of permanent pay allowed under law amounting to the sum of \$1250 00

It is impossible for me to give any correct estimate of the perquisites arising from the performance of various duties.

In the last year I have issued sixty Michigan road land patents, for which I have received thirty dollars; twenty eight Canal land patents have been issued, amounting to twenty-eight dollars. Of this amount I have received four dollars. The other patents have not been called for, and will not probably be for years to come. I am allowed 12½ cents per hundred words for copies of laws, &c. I have kept no memorandum of this amount. In many instances the fees were paid at the time the services were rendered, and of course not charged. I find that during last year I charged on my book for such service, forty-two dollars and fifty cents, about one half of which is not collected and probably never will be. This service may, however, be safely set down as not exceeding in any one year seventy-five dollars. I am allowed fifty cents for each certificate and seal. For these services, no charges are made, and cannot, I am satisfied, in any event ever exceed fifty dollars per annum. So that the fees and perquisites during the last year has been about fourteen hundred dollars. After deducting clerk hire, which is absolutely necessary from the commencement of the session of the Legislature until the printing and indexing the laws and journals are completed—say about the first of May,—not more than twelve hundred dollars, under any circumstances, can be realized by the Secretary.

The foregoing statement contains, as far as I am able to furnish, the information desired by the Senate.

I am, very respectfully,

Your obedient servant,

WM. J. BROWN,
Secretary of State.

Which, on motion of Mr. Stevenson, was ordered to lie on the table. Mr. Cravens presented the petition of W. B. Campbell and others, praying that the time of holding court in the county of Ripley may be extended, which was read, and on motion of Mr. Cravens, ordered to lie on the table.

On motion of Mr. Clark,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of amending the law regulating the interest on money, so as to allow ten per cent. interest on judgments rendered upon written obligations, bearing interest at the rate of ten per cent. until paid, with leave to report by bill or otherwise.

On motion of Mr. Parker,

Resolved, That the Treasurer of State be requested to report to the Senate so soon as practicable, and as much in detail as possible, the various items of postage account allowed John Cain during the last fiscal year, which go to make up the aggregate sum of \$489 25 allowed him for postage, as appears from the late report of the Treasurer.

On motion of Mr. Mendenhall,

Resolved, That a select committee be appointed to inquire into the expediency of so amending the act relative to the duties of justices of the peace, as to compel all suits to commence in the town-

ships in which the defendant or defendants may reside, so far as the county of Fountain is concerned.

Ordered, That said committee consist of Messrs. Mendenhall, Eggleston and Morgan.

On motion of Mr. Nave,

Resolved, That a select committee be appointed to inquire into the expediency of passing a law extending the time of payment to borrowers of the Sinking, College, and Saline Funds, and to borrowers of the surplus revenue, for two years, on condition that they shall give additional freehold security, in all cases where such has not already been given, and the prompt payment of the interest accrued and to accrue on said loans already made; with leave to report by bill or otherwise.

Ordered, That said committee consist of Messrs. Nave, Williams and Tannehill.

On motion of Mr. Thompson,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the 29th section of the practice act, approved January 29th, 1831, as to authorize either party upon an appeal in a circuit court from a justice of the peace, to amend the cause of action or defence upon the same terms and under the same restrictions as are allowed to parties by or against whom suits are commenced in said court.

Also, to inquire into the policy of so amending the several acts relative to appeals from justices of the peace, as to give the appellant a lien upon the real estate of the appellee as is allowed in cases of transcripts.

The following message was received from the House of Representatives, by Mr. Hager, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House forthwith for the purpose of electing a Secretary, Treasurer and Auditor; also, Judges and Prosecutors, and that seats be prepared for them on the right of the Speaker's chair.

Whereupon the Senate proceeded to the Hall of the House of Representatives, for the purpose of electing said officers.

The convention then proceeded to elect by ballot, a Secretary of State, to fill the place of W. J. Brown, whose term of service expires on the 14th day of January next, and on counting the votes on the 1st ballot it appeared that,

Joseph L. White had received	- - -	47 votes.
Wm. Sheets,	" - - -	44 "
W. J. Brown,	" - - -	33 "
W. M. Daily,	" - - -	4 "

E. S. Terry, " " " " " 11 votes.

Scattering, " " " " " 2 "

No person having received a majority of all the votes given, the convention proceeded to a 2d ballot, which resulted as follows:

Joseph L. White received - - - 50 "

Wm. Sheets " - - - 45 "

W. J. Brown " - - - 27 "

E. S. Terry " - - - 16 "

Scattering - - - 4 "

No person having received a majority of all the votes given, the convention proceeded to a 3d ballot, which resulted as follows:

J. L. White received - - - 56 votes.

W. Sheets " - - - 45 "

W. J. Brown " - - - 17 "

E. S. Terry " - - - 23 "

Scattering, - - - 2 "

No person having received a majority of the whole number of votes, the convention proceeded to a 4th balloting, when it appeared that,

J. L. White received - - - 58 votes.

W. Sheets " - - - 60 "

E. S. Terry " - - - 17 "

W. J. Brown " - - - 7 "

No candidate having yet received a majority of all the votes given, the convention proceeded to a 5th ballot, on counting which, it appeared that,

J. L. White received - - - 53 votes.

W. Sheets " - - - 72 "

E. S. Terry " - - - 17 "

William Sheets having received a majority of all the votes given, was by the President declared duly elected Secretary of State, for the term of four years from and after the 14th day of January next.

The President then adjourned the convention till 2 o'clock, P. M.

2 o'clock, P. M.

Senate assembled.

The President announced the following committee on federal relations:

Messrs. Carnan, Collins, Eggleston, Elliott and Baird of St. Joseph.

The Senate now again repaired to the Hall of the House of Representatives, when both houses in convention, proceeded to elect an Auditor of Public Accounts, to fill the place of Morris Morris, whose term of service will expire on the 24th of January next, and on counting the votes on the first ballot, it appeared that,

Morris Morris received - - - 70 votes.

William T. Noel " - - - 39 "

Royal Mayhew " - - - 20 "

J. H. B. Nowland " - - - 9 "

Blank, - - - 4 "

Neither of the candidates having received a majority of the votes given, the convention proceeded to a 2d ballot, when, on counting the votes, it appeared that,

Morris Morris received	86 votes.
W. T. Noel	51 "
R. Mayhew	3 "
J. H. B. Nowland	1 "
Scattering,	2 "

Morris Morris having received a majority of all the votes given, was by the President of the Senate, in presence of both houses of the General Assembly, declared duly elected Auditor of Public Accounts for the State of Indiana, for the term of three years.

Both Houses then in like manner proceeded to the election of Treasurer of State, and on counting 1st ballot, it appeared that,

G. H. Dunn received	82 votes.
Nathan B. Palmer	54 "
Scattering,	7 "

George H. Dunn having received a majority of all the votes given, was by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected Treasurer of the State of Indiana, for the term of three years from and after the 1st day of February, 1841.

Both Houses in like manner then proceeded to the election of a President Judge of the 6th Judicial Circuit, to fill the vacancy occasioned by the resignation of the Hon. Samuel Bigger, and on the first ballot,

James Perry had	113 votes.
Scattering,	25 votes.

James Perry having received a majority of all the votes given, was by the President declared duly elected President Judge of the 6th Judicial Circuit, to fill the aforesaid vacancy.

The convention then proceeded to elect a Prosecuting Attorney, for the 2d Judicial Circuit. On counting the votes, on first ballot,

Theodore J. Barnett had	71 votes.
William T. Otto had	41 votes.
Thomas J. Throop had	23 votes.
Lyman Leslie had	3 votes.
Scattering,	2 votes.

Whereupon Theodore J. Barnett having received a majority of all the votes given, was by the President, declared duly elected Prosecuting Attorney for the 2d Judicial Circuit, to serve as such for two years from and after this time.

The convention then proceeded to an election of a Prosecuting Attorney for the 4th Judicial Circuit. When on counting the votes, it appeared that,

John Pitcher received	85 votes.
Elijah Bell, recieved	47 votes.
Scattering	7 votes.

John Pitcher having obtained a majority of all the votes given, was, by the President of the convention declared duly elected.

The President then adjourned the convention, till to-morrow morning at 10 o'clock. The Senate then repaired to their chamber.

When, on motion, the Senate adjourned.

SATURDAY MORNING, DECEMBER 12.

The Senate assembled.

Mr. Roberts, the Senator elect from the counties of Posey, Vanderburgh, and Warrick, produced his credentials, was sworn by the Hon. Isaac Blackford, and took his seat.

Mr. Foster presented the petition of Joseph Boxell and others, citizens of the county of Grant, praying for the passage of an act, extending to them the benefit of the "act providing for a more uniform mode of doing township business in the several counties therein named, approved Feb. 17, 1838," and an "act amendatory thereto," approved Feb. 17, 1840. Which was read, and

On motion of Mr. Foster,

Referred to a select committee.

Ordered, That said select committee consist of Messrs, Foster, Beard of Montgomery, and Herriott.

Mr. Everts presented the petition of Wm. Montgomery and others, citizens of Laporte county, praying for a State road.

Read, and referred to a select committee.

Ordered, That Messrs. Everts, Baird of St. Joseph, and Roberts be said committee.

On motion of Mr. Baird of St. Joseph,

Resolved, That the committee on the State Bank, be instructed to inquire into the expediency of authorizing the said bank to issue small bills of the denominations of one, two, three, and four dollars. To ascertain whether, in the opinion of said committee, such an issue might be so authorized as to afford a safe and convenient currency to the amount of ——— and whether it might not be a means, in part, of relieving the people from heavy taxation for and on account of the public debt, with leave to report by bill or otherwise.

On motion of Mr. Test,

Resolved, That the door-keeper of the Senate be, and he is hereby authorized and required to cause to be covered the floor of the Senate chamber, with such new carpeting as has been procured by the State, and thoroughly cleanse and purify the chamber with as little expense and delay as possible, so as not to interfere with the sittings of the Senate.

On motion of Mr. Collins,

The credentials of members of the Senate, were taken up and referred to the committee on elections.

On motion of Mr. Thompson,

Resolved, That the committee on finance be instructed to inquire into the expediency of so amending the act relative to the assessing the taxable property, and collecting the county and State revenue, as to provide for the appointment of an assessor and collector in each township of the respective counties in the State.

On motion of Mr. Cravens,

The petition of W. B. Campbell and others, presented on yesterday, was taken up and referred to the committee on the judiciary.

On motion of Mr. Test,

Bill No. 2, entitled a bill for the relief of J. S. Reed, was taken up and read a third time. The question being on the passage of the bill, before any decision was had thereon, the hour having arrived for the convention of both Houses to meet, pursuant to adjournment, for the purpose of electing certain officers, the Senate repaired to the Hall of the House of Representatives.

The convention then proceeded to elect by ballot, a Prosecuting Attorney for the 10th Judicial Circuit of the State of Indiana; and, upon counting the votes, it appeared that

John S. Watts received 104 votes.

Willis A. Gorman, 18 votes.

Blank, 7 votes.

John S. Watts having received a majority of all the votes given, was by the President declared duly elected for two years from this date.

The convention then proceeded to elect by ballot a Prosecuting Attorney for the 6th Judicial Circuit, and on counting the votes upon the first ballot, it appeared that

Martin M. Ray had received 76 votes.

Joseph Robinson, 64 votes.

Scattering, 2 votes.

Mr. Ray having obtained a majority of all the votes given, the President declared him duly elected, for the term of two years from and after this day.

The convention in like manner then proceeded to elect a Prosecuting Attorney for the 7th Judicial Circuit, and on counting the votes on the first ballot, it appeared that

Edward W. McGaughey received 121 votes.

Scattering, 16 votes.

Mr. McGaughey having obtained a majority of all the votes given, the President declared him duly elected as Prosecuting Attorney for the 7th Judicial Circuit, to serve as such for two years from and after the 15th day of February, 1841.

The convention then proceeded to elect a Prosecuting Attorney for the 9th Judicial Circuit, and on counting the votes it appeared that

William C. Hanna had received 88 votes.

Blank, 26 votes.

Mr. Hanna having received a majority of all the votes given, was by the President declared duly elected Prosecuting Attorney for the 9th Judicial Circuit.

The convention having completed its business, the Senate returned to its chamber, and resumed the consideration of the bill for the relief of J. S. Reed, which was still pending.

On motion of Mr. Cravens,

The bill was laid on the table.

On motion of Mr. Baird of St. Joseph,

Resolved, That when the Senate adjourns, it will adjourn to meet again on Monday morning next at the usual hour.

On motion the Senate adjourned.

MONDAY MORNING, DECEMBER 14, 1840.

The Senate assembled.

Mr. Ewing, senator from the counties of Allen, Wells, and Adams, appeared and took his seat.

The President laid before the Senate a report from the Secretary of State, on the subject of the enumeration of all persons charged with a poll tax, &c., which was read and ordered to lie on the table.

On motion of Mr. Clark,

Resolved, That one hundred copies of said report be printed.

The President laid before the Senate the following report from the Secretary of State, which was read, and

On motion, ordered to lie on the table.

Indianapolis, December 14, 1840.

HON. SAMUEL HALL:

Please lay before the Senate the following return of the votes given for and against the call of a convention to revise the constitution of Indiana.

I am very respectfully,

Your obedient servant,

WM. J. BROWN.

Secretary of State.

A list of the votes, given in the several Counties in this State, for and against a call for a convention to amend the Constitution of the State of Indiana.

COUNTIES.	CONV'N.	NO CONV.	COUNTIES.	CONV'N.	NO CONV.
Allen,	39	664	Marshall,	33	290
Bartholomew,	26	272	Marion,	268	1,864
Blackford,	32	150	Martin,	173	300
Brown,	112	196	Miami,	52	433
Carroll,	122	1,047	Monroe,	293	1,008
Cass,	17	173	Montgomery,	207	2,366
Clark,	146	1,034	Morgan,	191	1,681
Clay,	151	517	Noble,	54	179
Clinton,	78	459	Orange,	430	1,171
Daviess,	17	152	Owen,	505	768
Dearborn,	709	2,406	Parke,	306	1,961
Decatur,	318	1,284	Perry,	55	446
De Kalb,	46	165	Pike,	109	634
Delaware,	132	1,078	Porter,	99	200
Dubois,	164	208	Posey,	126	1,252
Elkhart,	143	586	Randolph,	83	1,079
Fayette,	130	1,520	Rush,	345	2,407
Floyd,	56	852	Scott,	137	600
Franklin,	180	1,029	Shelby,	689	1,326
Fulton,	37	284	Spencer,	130	636
Gibson,	106	1,319	St. Joseph,	126	657
Grant,	74	571	Steuben,	203	151
Greene,	132	525	Switzerland,	53	1,438
Hamilton,	348	1,135	Tippecanoe,	276	1,673
Harrison,	194	1,240	Vanderburgh,	126	588
Hendricks,	491	1,350	Vermillion,	105	1,269
Henry,	153	2,185	Vigo,	320	1,454
Jackson,	154	638	Wabash,	32	307
Jefferson,	244	1,340	Warren,	108	1,007
Jennings,	144	875	Warrick,	137	820
Johnson,	155	1,229	Washington,	536	1,812
Kosciusko,	49	470	Whitley,	55	105
Lake,	104	124	Wells,	12	171
Laporte,	272	884			
Lawrence,	407	1,207		12,277	61,721
Madison,	218	491			

No returns have been received from the following counties, viz: Adams, Boone, Benton, Crawford, Fountain, Hancock, Jay, Lagrange, Pulaski, Putnam, Sullivan, Union, Wayne, and White.

Respectfully,

WM. J. BROWN,—Secretary of State.

Mr. Thompson moved that one hundred copies of said report be printed, which motion did not prevail.

Mr. Nave, from the select committee appointed for that purpose, reported the following bill, entitled, bill No. 6, a bill extending the time of payment to borrowers of the Sinking, College, and Saline Funds, and of the Surplus Revenue. Which was read a first time and ordered to a second reading to-morrow.

On motion of Mr. Hanna,

Resolved, That the committee on federal relations be instructed to prepare and report a memorial to Congress, asking an appropriation of money from the National Treasury of the United States, to be expended on the Cumberland road in the State of Indiana.

On motion of Mr. Hargrove,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of re-organizing the Probate Court system, either by organizing the Circuit, Probate, or Surrogate system, or by abolishing the present system, and transferring all the powers thereof, to the Circuit Courts in the respective circuits.

On motion of Mr. Tannehill,

Resolved, That a select committee be appointed to inquire into the propriety of so amending the law regulating the election of prosecuting attorneys, as to have the same elected by the people, or appointed by the Circuit Court. Also the propriety of electing or appointing one in each county, with leave to report by bill or otherwise.

Ordered, That said committee consist of Messrs. Tannehill, Williams, and Clark.

On motion of Mr. Aker,

Resolved, That the committee on Finance be instructed to inquire into the expediency of so amending an act entitled an act, establishing a county treasurer, approved January 8, 1831, as to compel pedlars of foreign merchandise, to pay a license for a term of time not less than two months before they shall be permitted to vend foreign merchandize in any county in this State, and that said committee be instructed to report by bill or otherwise.

On motion of Mr. Herriott,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending the second section of an act relative to roads and highways, approved Feb. 24, 1840.

Mr. Nave offered for adoption, the following resolution:

Resolved, That the committee on Education be instructed to inquire into the expediency of applying, for purposes of general education in this State, all such fees as have been or which may hereafter be received, by the following named officers, viz: clerk of the Supreme, District, Circuit, and Probate Courts and Justices of the Peace in this State, by virtue of their respective offices, which have not, or which may not be demanded of said officers, for two years from and after the time of their receiving the same, by the person or persons

entitled to demand and receive said fees, with leave to report by bill or otherwise.

Mr. Angle moved to amend said resolution, by adding "Attorneys' docket fees." Which was accepted by the mover.

So said resolution was adopted as amended.

Mr. Mount gave notice, that on to-morrow he would offer a resolution to amend the joint standing rules of both Houses, by adding thereto a joint committee on the public printing.

On motion of Mr. Watts,

Resolved, That the committee on finance be requested to inquire into the expediency of changing the mode of appointing county treasurers, so as to require them to be elected biennially, by the people.

On motion of Mr. Thompson,

Mr. Ewing was added to the committees on the judiciary, on finance and on education.

ORDERS OF THE DAY.

Bill No. 3, a bill to attach White, Pulaski and Fulton counties to the 8th judicial circuit, and for the formation of a twelfth judicial circuit, was taken up, read a second time, and,

On motion of Mr. Baird of St. Joseph, referred to a select committee.

Ordered, That said committee consist of Messrs. Baird of St. Joseph, Wright, Ewing and Beard of Montgomery.

Bill No. 5, entitled a bill to repeal an act entitled an act for a more uniform mode of doing township business in the county of Randolph, approved January 20, 1839, was taken up, read second time and ordered to be engrossed for a third reading.

Bill No. 1, entitled a bill for the relief of Cecil Brandt, was taken up, read third time and passed.

Bill No. 4, entitled a bill for the relief of the collector of Laporte county, was taken up, read third time, and,

On motion to lay said bill on the table,

The ayes and noes were ordered.

Those who voted in the affirmative were,

Messrs. Arion, Bell, Berry, Blair, Carnan, Cravens, Dobson, Eggleston, Elliott, Ewing, Hackett, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Mendenhall, Morgan, Nickel, Test and Watts—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Beard of Montgomery, Clark, Collins, Everts, Foster, Hanna, Mount, Nave, Parker, Riley, Stafford, Stevenson, Tannehill, Thompson, Williams, Wright and Roberts—21.

So said motion prevailed.

Mr. Ewing moved a re-consideration of the vote just taken; which was agreed to.

The question again recurring on a motion to lay on the table;

The ayes and noes were ordered:

Those who voted in the affirmative were,

Messrs. Arion, Bell, Berry, Blair, Cravens, Dobson, Eggleston, Elliott, Hackett, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Mendenhall, Moffatt, Morgan, Nickel, Test and Watts—22.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Baird of St. J., Beard of Mont., Carnan, Clark, Collins, Everts, Ewing, Foster, Hanna, Mount, Nave, Parker, Riley, Stafford, Stevenson, Tannehill, Thompson, Williams, Wright and Roberts—23.

So said motion did not prevail.

Mr. Lowe moved to refer the bill to the judiciary committee, with instructions to report a general law upon the subject.

The question being on the motion to so refer;

The ayes and noes were ordered.

Those who voted in the affirmative were,

Messrs. Blair, Lowe, McCord, Morgan and Nickel—5.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Mendenhall, Moffatt, Mount, Nave, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams and Wright—40.

So said motion did not prevail.

The question being on the passage of the bill;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Baird of St. J., Beard of M., Bell, Carnan, Clark, Collins, Everts, Ewing, Foster, Hanna, Hoover, Mount, Nave, Parker, Riley, Roberts, Stafford, Tannehill, Thompson, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Arion, Berry, Blair, Cravens, Dobson, Elliott, Hackett,

Hargrove, Harris, Herriott, Kinzer, Lowe, McCord, Mendenhall, Moffatt, Morgan, Nickel, Stevenson, Test and Watts—20.

So said bill was passed.

On motion of Mr. Nave, bill No. 2, entitled a bill for the relief of J. S. Reed, was taken up;

The question being on the passage of the bill, it was decided in the affirmative;

The ayes and noes being ordered;

Those who voted in the affirmative were,

Messrs. Aker, Arion, Bell, Berry, Carr, Elliott, Everts, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, Moffatt, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Williams and Wright—27.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. J., Beard of M., Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Hanna, Herriott, McCord, Mendenhall, Morgan, Thompson and Watts—18.

So said bill was passed.

The following message was received from the House of Representatives, by Mr. Montgomery, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill:

No. 5—A bill authorizing a special term of the Putnam circuit court;

In which the concurrence of the Senate is requested.

The bill mentioned in the foregoing message was read the first time.

On motion of Mr. Stevenson, the rules were dispensed with, and the bill was read a second time now.

Mr. Stevenson moved that the bill be referred to a select committee, which motion prevailed, and,

Messrs. Stevenson, Carr and Kinzer were appointed said committee.

The President laid before the Senate the following communication from His Excellency, the Governor:

EXECUTIVE DEPARTMENT, }
December, 14 1840. }

HON. SAMUEL HALL,

President of the Senate:

Joseph M. Moore, Esq. is authorized to bear communications from the Executive Department to the Senate.

Yours, &c.,
SAM'L BIGGER.

The President laid before the Senate the annual reports from the Branch of State Bank at Indianapolis, and of the Branch of State Bank at Michigan;

Which were read and ordered to lie on the table.

The President laid before the Senate the following communication from the Treasurer of State.

TREASURER'S OFFICE, }
Indianapolis, 14th Dec. 1840. }

HON. SAMUEL HALL,

President of the Senate:

In obedience to a resolution of the Senate of the 10th inst., in relation to the items constituting the amount of postage paid John Cain during the last fiscal year, the undersigned herewith communicates copies of the amounts paid each quarter for postage charged to the state, through each of the officers.

There are no papers in this office, exhibiting more in detail the several items, than is contained in the copies now communicated. These accounts were liquidated and paid at the end of each quarter.

The accounts are kept by the Post-master against each of the officers, and at the close of the quarter each individual officer certifies to the correctness of his account, and thereupon the Governor orders the same to be paid out of the contingent fund, by draft on the Treasurer.

Very respectfully, your ob't ser'vt,
N. B. PALMER,
Treasurer of State.

INDIANAPOLIS, Jan. 1, 1840.

Hon. N. B. Palmer, Treasurer, will please pay John Cain the following account:

Governor's letter postage from 30th September to 31st Dec., 1839,	\$15 79
Secretary of State, letter postage from 30th Sept'r. to 31st Dec., 1839	29 28
Auditor of State, letter postage from 30th Sept. to 31st Dec., 1839,	42 81
Treasurer of State, letter postage from 30th Sept. to 31st Dec., 1840,	23 07
	<hr/>
	\$110 95

DAVID WALLACE.

INDIANAPOLIS, March 31, 1840.

State of Indiana, by Governor, Secretary and Auditor,

	To John Cain, P. M.
For Governor's postage,	\$11 98½
Secretary's " "	36 27½
Treasurer's " "	15 31¼
Auditor's " "	23 20½
	<hr/>
	\$86 78

The Treasurer of State will pay the above account.

DAVID WALLACE.

April 10th, 1840.

Indianapolis, 8th July, 1840.

Mr. Palmer,

Will please pay John Cain, P. M., the following accounts:

Governor's postage from 1st April to 30th June, 1840,	\$10 68
Secretary of State, do. do.	28 63
Auditor of State, do. do.	29 25
Treasurer of State, do. do.	25 58

July 8th, 1840. \$94 14

DAVID WALLACE.

Indianapolis, Sept 30th, 1840.

N. B. Palmer, Esq.

Treasurer of State:

You will please pay to John Cain, the following accounts for quarter ending 30th Sept. 1840:

Governor's,	\$11 63¼
Secretary of State,	67 86¼
Auditor " "	95 45
Treasurer " "	18 02¼
Quarter-master General,	2 60
Adjutant General,	1 81

\$197 38

DAVID WALLACE.

Which was read, and,

On motion of Mr. Baird of St. Joseph, ordered to lie on the table.

The President also laid before the Senate the following communication from the Treasurer of State, which was read, and,

On motion of Mr. Watts, referred to the Committee on Finance.

TREASURER'S OFFICE,
Indianapolis, Dec. 14th, 1840. }

Hon. SAMUEL HALL,

President of the Senate:

In accordance with the resolution of the Senate of the 10th inst., in relation to the 3 per cent. fund, the undersigned now communicates for the information of the Senate the following statement: The Treasurer of State has at sundry times, communicated to the Secretary of the Treasury of the U. States, and to the Commissioner of the General Land Office, a request that those Departments would furnish the Treasurer of Indiana with a statement of the nett amount derived from sales (at Cincinnati,) of public lands lying within the territory of this State, but has received no other information in relation thereto, other than that my letters were duly received and referred to the proper departments.

In relation to the enquiry in said resolution as to the present condition of the 3 per cent. fund, I beg leave to refer to my annual report on that subject, communicated to the Senate since the adoption of the resolution, and which contains all the information supposed to be required.

Very respectfully,

N. B. PALMER,

Treasurer of State.

On motion of Mr. Watts, referred to the Committee on Finance.

The President also laid before the Senate the following communication, which was read and laid on the table.

TREASURER'S OFFICE,
Indianapolis, Dec. 14th, 1840. }

Hon. S. HALL,

President of the Senate:

In obedience to a resolution of the Senate of the 10th inst., in relation to the salary and fees of the Treasurer of State and others, the undersigned herewith communicates the following statement of the several items of allowance to the Treasurer of State for the past year, viz:

Salary as Treasurer of State,	\$400 00
" as Superintendent of the State House,	150 00
" as Superintendent of the Loan Office,	75 00
" as Agent of the 3 per cent. fund,	100 00
Three-fourths of one per cent. on outstanding loans in the several departments of the Loan Office,	792 92
	<hr/>
	\$1,517 92

There are no fees charged for any services in this office. All the Patents of College Lands, Saline Lands, &c., are made without charge.

Very Respectfully,
Your obedient servant,
N. B. PALMER,
Treasurer of State.

P. S. It is proper to say that under the act of 1837, in relation to the Surplus Revenue, the Treasurer was authorized to expend \$500 per annum for Clerk hire; but this amount is \$300 less than the Treasurer has actually paid out per annum—the balance being paid out of the private funds of the Treasurer.

The President laid before the Senate the annual report of the President of the State Bank, which was read, and,

On motion of Mr. Ewing, referred to the Committee on the State Bank.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion of Mr. Eggleston,

The Senate resolved itself into a committee of the whole on the Message of his Excellency the late Governor, and the Inaugural Address of his Excellency the present Governor—Mr. Test in the chair—and, after some time spent in the consideration thereof, the committee rose, the President resumed the chair, and Mr. Test reported that the committee of the whole have, according to order, had under their consideration the Message and Address aforesaid, and have made some progress therein, but not having had time to go through with the same, had directed him to report progress, and ask leave to sit again.

Leave to sit again was granted by the Senate.

On motion, the Senate adjourned.

TUESDAY MORNING, DECEMBER 15, 1840.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Dunbar, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following bill:

No. 4—A bill to repeal an act regulating the jurisdiction of Justices of the Peace in Jackson county, approved January 25th, 1840.

Which was read the first time.

Mr. Carr moved to suspend the rules, and that the bill be read a second time now.

Which motion did not prevail.

The bill then passed to a second reading to-morrow.

Mr. Harris presented the petition of Zeba Holt and others, praying for the repeal of the Township law in Carroll county.

Which was, on motion of Mr. Harris, referred to a select committee.

Ordered, That said committee consist of Messrs. Harris, Beard of Montgomery and Wright.

Mr. Thompson gave notice that on to-morrow he would move the following as an amendment to the rules of the Senate:

That when a reference is made to a select committee, the mover thereof shall be appointed chairman of the committee, and upon a reference to any standing committee, the mover shall be considered a member thereof during the consideration of the subject of reference.

Mr. Stevenson, from the select committee appointed for that purpose, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill, No. 5, of the House, authorizing a special term of the Putnam Circuit Court, have directed me to report the same back to the Senate without amendment, and recommend its passage.

The bill (No. 5,) referred to in said report, was read the third time and passed.

Ordered, That the House of Representatives be informed thereof.

Mr. Baird of St. Joseph, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the bill to attach White, Pulaski and Fulton counties to the 8th Judicial Circuit, and for the formation of a 12th Judicial Circuit, would report that they have had the same under consideration, and have made the following amendment, viz: in the first section after the county of White add the county of Jasper, and in the third section after the words "in the county of White," the following: "in the county of Jasper on the Monday succeeding the Courts in the county of White;" and strike out the words "in the county of White" after the words "on the Monday succeeding," and insert in lieu thereof "in the county of Jasper," and would respectfully recommend to the Senate the passage of the bill.

Mr. Ewing moved to amend the amendment reported by the select committee, by adding the counties of Adams, Wells, and Steuben to the proposed 12th Circuit.

On motion of Mr. Watts, the bill and proposed amendments were referred to a select committee of one Senator from each Judicial Circuit, with instructions to inquire into the expediency of remodeling the several Circuits in the State.

Ordered, That said committee consist of

Messrs. Watts,	-	3d Circuit,
Thompson,	-	4th do.
Hanna,	-	5th do.
Parker,	-	6th do.
Carnan,	-	7th do.
Ewing,	-	8th do.
Baird of St. Joseph,	-	9th do.
Dobson,	-	10th do.
Foster,	-	11th do.
Hoover,	-	1st do.
Collins,	-	2d do.

On motion of Mr. Hargrove,

Resolved, That a select committee be appointed to inquire of the Judges of the Supreme Court, the progress they have made in the revision of the laws of this State, pursuant to a joint resolution, approved January 28, 1839, with instruction to report the results of their inquiries to the Senate, at as early a day as possible.

Ordered, That said committee consist of Messrs. Hargrove, Lowe and Moffatt.

On motion of Mr. Aker,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of making a general revision of the Estray Law, and report by bill or otherwise.

On motion of Mr. Berry,

Resolved, That the committee on education be instructed to inquire into the expediency and propriety of so amending or repealing the 10th section of an act, amendatory to an act entitled, an act incorporating Congressional Townships, and providing for Common Schools therein, approved February 17th, 1838, so as to prohibit a distribution of the school fund to the encouragement of private schools, with leave to report by bill or otherwise.

On motion of Mr. Elliott,

Resolved, That the Committee on Education be instructed to inquire into the expediency of so amending the present law incorporating Congressional Townships and providing for public schools therein, as to make the *forfeitures, penalties and prosecutions*, in cases of sale of school lands for non-payment of the principal or *interest*, and the sale of lands mortgaged to the school fund for the non-payment of principal or interest *the same*; also the expediency of a general revision of so much of said act as relates to the sale of lands by the School Commissioners.

Mr. Stafford offered for adoption the following resolution:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of so amending the revenue law, as to dispense with

the Collectors travelling over the counties to demand the taxes, and of making it the duty of the Tax Payers of each township to meet the Collector at a certain time and place, and pay their taxes.

Mr. Parker moved to strike out all after the word resolved, and insert the following:

That the Committee on Finance be instructed to inquire into the expediency of so amending the revenue law, as to dispense with County Collectors, and making it the duty of the Tax Payers to pay their taxes directly to the County Treasurer, and to reduce the per centum for collection, and to graduate the per centum with reference to the amount collected in each county.

Mr. Test moved to amend, by striking out all of the amendments to the words "County Treasurer" inclusive, which was adopted.

Mr. Williams moved to amend the amendment, by adding the following, which was adopted:

"As near as may be with a view to the equitable compensation for the duties required."

Mr. Nave moved to lay the resolution and proposed amendments on the table.

Which was agreed to.

On motion of Mr. Thompson,

Resolved, That a select committee be appointed and instructed to inquire into the policy of amending our statutes in relation to crimes and punishments, so as to abolish capital punishment.

Ordered, That said committee consist of Messrs. Thompson, McCord, Angle and Williams.

On motion of Mr. Baird of St. Joseph,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of so amending the law regulating mills and millers; so that hereafter the tolls taken shall not exceed one tenth instead of one eighth as now allowed by law; also to examine whether amendments to said law, should not be made, with leave to report by bill or otherwise.

On motion of Mr. Wright,

Resolved, That the judiciary committee inquire into the expediency of so amending an act subjecting real and personal estate to execution, that real estate shall not be sold under any order, decree, or judgment, for less than two thirds of its appraised value, and report by bill or otherwise.

On motion of Mr. Nave,

Resolved, That a committee of three be appointed to inquire into the situation of the surplus revenue, and that they be authorized to procure from the clerks of the several circuit courts, in those counties where the agents of said fund have failed to report such information as may by them be deemed necessary, as to the solvency of the borrowers of said fund and their securities, and the fact of the several agents having executed their several bonds in pursuance of the statutes, and that they report the result of their investigations to the Senate.

Ordered, That Messrs. Nave, Watts, and Elliott be said committee. On motion of Mr. Elliott, Mr. Harris was added to said committee.

Mr. Harris introduced the following resolution:

Resolved, That Nathan B. Palmer, one of our Fund Commissioners, be instructed to report to the Senate, at as early a day as practicable, the amount of our state bonds which have been sold on the credit system; by what officers said bonds were sold; to what individuals and companies, and on what terms; also what amount has been disposed of by our Fund Commissioners, and the President of the State Bank, from the sale of which nothing has yet been realized; the capital stock of the company or companies to which said bonds were sold, at the time of the sale thereof; in what the capital of said company or companies was invested, and what was the market value of the same; what collateral securities have been taken for the ultimate payment of such suspended debt, and the present probable value of such securities, with a particular specification of the town lots, lands, railroads, and bank stock, which constitute such collateral securities, with such other information as he may be able to communicate on this subject.

Mr. Eggleston moved to add, "With the items which go to make up our state debt," which was accepted by the mover, and the resolution was then so adopted.

On motion of Mr. Baird of St. Joseph,

Resolved, That the committee on education be instructed to take into consideration the suggestions of the Treasurer of State on the subject of the Surplus Revenue, as contained in his report of 16th November, 1849, and inquire into the expediency of making each and all the amendments therein suggested to the law upon that subject, with leave to report by bill, the whole law upon the surplus revenue, and the amendments recommended or otherwise.

On motion of Mr. Clark,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of repealing the execution law of February 16th, 1839.

Mr. Mount, in pursuance of notice given yesterday, offered the following amendment to the joint rules:

Resolved, That the joint rules of both Houses be so amended as to add thereto a joint committee on public printing.

Which was adopted.

On motion of Mr. Elliott,

Resolved, That the committee on the judiciary be instructed to inquire whether there would be any law in force, allowing stays on judgments, after the expiration of the act of 1840 on that subject; also that said committee inquire into the expediency of revising the laws on that subject, with leave to report by bill or otherwise.

On motion of Mr. Dobson,

Resolved, That the judiciary committee be instructed to take that part of the Treasurer's annual report which relates to debt due the

State for bonds sold, or otherwise parted with, but for which the State has received no part of the consideration, under their consideration and report to the Senate, whether or not the State is legally bound to pay interest on said bonds.

On motion of Mr. Mount,

Resolved, That the committee on public buildings be instructed to inquire into the expediency of constructing a reservoir, sufficiently convenient to the Capital for its protection in case of accident by fire, to be supplied with water, from the upper level of the canal.

JOINT RESOLUTION.

Mr. Parker introduced joint resolution No. 7, entitled, a joint resolution in relation to a Bank of the United States,

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Hanna introduced bill No. 8, a bill fixing the time of holding the probate courts of Marion county and for other purposes,

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

Bill No. 5, entitled a bill to repeal an act entitled an act to provide for a more uniform mode of doing township business, in the county of Randolph, approved January 21st, 1839.

Read a third time and passed.

Ordered, That the Secretary of the Senate inform the House of Representatives thereof.

Bill No. 6, entitled a bill extending the time of payment to borrowers of the sinking, college, and saline funds, and of the surplus revenue,"

Was read a second time.

Mr. Parker moved to refer the bill to the Committee on the State Bank.

Mr. Stevenson moved that the committee be instructed to add the following proviso to the first section of the bill:

"That the provisions of said act shall not be extended but upon conditions that the borrowers agree that if the interest or principal has to be made by suit, sufficient damages shall be imposed to cover the costs of collection."

Before any discussion was had on the question,
The Senate, on motion, adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Cravens moved to suspend further action on the bill pending when the Senate adjourned, and that the Senate now go into a committee of the whole on the Governor's message.

Which was agreed to.

The Senate, accordingly, again resolved itself into committee of the whole on the Message of the late Governor and the Inaugural Address of the present Governor, Mr. Test in the chair, and after a short time spent therein, the committee rose, the President resumed the chair, and Mr. Test reported that the committee had adopted the following resolutions, and had directed him to ask the concurrence of the Senate therein, viz:

1. *Resolved*, That so much of the Governor's Message as relates to the state of the Treasury be referred to the committee on Finance.

2. *Resolved*, That so much of the Governor's Message as relates to the new apportionment of Senators and Representatives in the General Assembly be referred to a select committee of one Senator from each judicial circuit.

3. *Resolved*, That so much of the Governor's Message as relates to the State's Prison be referred to the committee on the State Prison.

4. *Resolved*, That so much of the Governor's Message as relates to the assessment of property be referred to the committee on Finance.

5. *Resolved*, That so much of the Governor's Message as relates to the public debt of the State be referred to the committee on Finance.

6. *Resolved*, That so much of Governor's Message as relates to the "alarming extent of power vested in the arm of the Executive Branch of the General Government," be referred to the committee on Federal Relations.

7. *Resolved*, That so much of the Governor's Message as relates to a "system of the severest economy, legislative expenses, and the expenses of public printing be referred to a select committee.

8. *Resolved*, That all that part of the Governor's Message which relates to the losses of the State be referred to the committee on Finance.

9. *Resolved*, That so much of the Governor's Message as relates to that part of the Surplus Revenue distributed to the several counties for the support of common schools being drawn in and converted into Bank Stock, and the interest applied to the payment of the interest on our state debt, be referred to the committee on education.

10. *Resolved*, That so much of the Governor's Message as relates to the disastrous effects of the present Administration on the interests and business of the country, be referred to the committee on Federal Relations.

11. *Resolved*, That so much of the Governor's Message as relates to our distributive share of the proceeds of the sales of the public lands, be referred to the committee on Federal Relations.

12. *Resolved*, That so much of the Governor's Message as relates to the Surplus Revenue be referred to the committee on education:

13. *Resolved*, That so much of the Governor's Message as relates to the Wabash and Erie Canal be referred to a select committee.

14. *Resolved*, That so much of the Governor's Message as relates to the losses sustained by the state of Indiana by treaties between the

Miami tribe of Indians and the General Government, be referred to the committee on Federal Relations.

15. *Resolved*, That so much of the Governor's Message as relates to the tolls upon the New-Albany and Vincennes McAdam Road, be referred to the committee on Canals and Internal Improvements, with instructions to ascertain as soon as practicable the whole amount of tolls received, and how they have been applied, and make report of the same to the Senate.

16. *Resolved*, That so much of the Governor's Message as relates to the modification of the System of Internal Improvements of the State, be referred to a select committee of nine Senators from counties through which none of the works of Internal Improvement pass, with leave to report by bill or otherwise.

17. *Resolved*, That so much of the Governor's Message as relates to checks on Executive Officers be referred to the committee on the judiciary.

18. *Resolved*, That so much of the Governor's Message as relates to the affairs of the State Bank, issuing small notes, &c., be referred to the committee on the State Bank.

19. *Resolved*, That so much of the Governor's Message as relates to an increase of Banking Capital be referred to the committee on the State Bank.

20. *Resolved*, That so much of the Governor's Message as refers to the subject of general education be referred to the committee on education.

21. *Resolved*, That so much of the Governor's Message as relates to the memorial of the citizens of Washington and Alexandria in the District of Columbia be referred to the committee on Federal Relations.

22. *Resolved*, That so much of the Governor's Message as relates to the communications from the Governor's of New-York, Connecticut, Vermont, and Kentucky, and from the Secretary of State of the State of Michigan, together with such communications, be referred to the committee on Federal Relations.

The question on concurrence in the resolutions adopted in committee of the whole was taken separately.

Resolutions numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 22 were concurred in without a division.

Mr. Lowe moved that the Senate concur in resolution No. 6, with the following amendment:

"*Resolved*, That all that part of the Governor's Message which refers to the alarming extent of Executive power vested in the arm of the General Government as practiced the last twelve years, together with the bribery, fraud, and corruption therein referred to, be referred to a select committee."

Mr. Test moved to lay the resolution and proposed amendment on the table, on which question, the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Clark, Collins, Cravens, Dobson, Elliott, Everts, Ewing, Foster, Hanna, Hargrove, Herriott, Hoover, McCord, Morgan, Mount, Parker, Riley, Stafford, Test, Thompson, Williams, and Wright—31.

Those who voted in the negative were,

Messrs. Berry, Carr, Eggleston, Hackett, Harris, Kinzer, Lowe, Mendenhall, Moffatt, Nave, Nickel, Roberts. Stevenson, Tannehill, and Watts—15.

So said resolution and amendment were laid on the table.

Mr. Test moved to concur in resolution No. 7, with an amendment by striking out "select committee" and inserting "Committee on Finance," which did not prevail.

Mr. Elliott moved to concur with the addition of the following words:

"Of nine members, from counties through which no works of Internal Improvement pass;" which was not agreed to.

The question was then taken on the adoption of the resolution as reported from the committee of the whole, and decided in the affirmative.

Mr. Test moved that resolution No. 21 be laid upon the table, which was decided in the negative, and then the resolution was adopted.

On motion of Mr. Moffatt, the committee of the whole was discharged from the consideration of the Inaugural Address of His Excellency Governor Bigger.

The President appointed the following select committees on resolutions adopted in committee of the whole on the Governor's Message, which were referred to select committees, viz:

On resolution No. 2, Messrs. Hargrove, Beard of M., Collins, Watts, Bell, Morgan, Carnan, Ewing, Baird of St. Joseph, Dobson, and Aker.

On resolution No. 7, Messrs. Stevenson, Kinzer, and Williams.

On resolution No. 13, Messrs. Ewing, Wright, and Aker.

On resolution No. 16, Messrs. Cravens, Blair, Carr, Thompson, Eggleston, Harris, Lowe, Morgan, and Nickel.

The Senate resumed the consideration of bill No. 6, which was pending when the Senate went into committee of the whole on the Governor's Message.

The question being on referring the bill to the committee on the State Bank.

A division of the question being called,

The question was taken on the reference of the bill, and it was decided in the affirmative.

The question then being on referring it to the committee on the "State Bank,"

Mr. Nave moved to amend by striking out "State Bank" and inserting Judiciary Committee."

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Bell, Berry, Carr, Clark, Dobson, Eggleston, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, Mendenhall, Morgan, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, and Williams—31.

Those who voted in the negative were,

Messrs. Arion, Beard of Montgomery, Blair, Carnan, Collins, Cravens, Elliott, Ewing, Herriott, McCord, Moffatt, Mount, Parker, Riley, Wright—15.

So the bill was thus referred.

The motion of Mr. Stevenson to instruct the committee to add a proviso to the first section of the bill was agreed to by consent.

Mr. Everts, from a select committee to which was referred a petition on that subject, (leave having been granted) reported the bill No. 9, a bill establishing a certain state road therein named;

Which was read and passed to a second reading to-morrow.

Mr. Elliott, on leave granted, introduced a bill, No. 10, entitled a bill concerning clerks' fees; which was read a first time and passed to a second reading on to-morrow.

Mr. Nickel having obtained leave, introduced bill No. 11, entitled a bill to amend an act entitled an act to incorporate county libraries, approved February 17, 1838; which was read a first time and passed to a second reading on to-morrow.

Mr. Lowe offered for adoption the following resolution:

Resolved, That the Committee on Finance be required to examine the different laws creating fund commissioners—the duties and liabilities of said commissioners, and from what authority they have sold State Bonds on a credit, and whether they are not bound in their official bonds for such sales as have been made to irresponsible corporations and others, and that the committee be requested to report the result of their deliberations at as early a day as possible. Mr. Parker moved to strike out, Committee of Finance," and insert "Judiciary Committee;" which was accepted by the mover.

The resolution was then adopted.

The President laid before the Senate a report from the Commissioners of the Sinking Fund, which was

On motion of Mr. Morgan, laid on the table.

Ordered, That 200 copies be printed for the use of the Senate.

Mr. Eggleston presented the following protest:

Mr. President—

The undersigned members of the Senate submit for record on the journals, the following protest against the passage of the act entitled an act for the relief of James S. Reed, which passed this body on Monday the 14th day of December, 1840. The reasons for thus protesting are, that said act provides for the admission of said Reed to practice as an attorney and counsellor at law in our courts of justice, without requiring him to take the customary oath for the support of the Constitution of the United States and of the State of Indiana.

The undersigned consider the duties of an attorney at law to be intimately connected with the administration of public justice. The policy of our laws requiring all our law offices to enter upon the discharge of their duties under the sanction of an oath to support the organic laws of the land, the undersigned conceive to be supported by the soundest reasons. Any innovation tending to break down the established guards thrown around our Constitution is believed to be dangerous as a precedent, and exceedingly mischievous in its remote tendencies. The person invested by said act with the extraordinary immunity of participating in the administration of public justice, without taking the ordinary oath, is confessedly a subject of the Queen of Great Britain. The allegiance which he owes to his Sovereign is incompatible with his duties as an officer of one of the United States.

We see no good reason for granting to Mr. Reed a privilege denied to every class of our citizens native or naturalized. For these reasons we protest against the passage of said act, and ask that this, our protest, may be placed on the journal of the Senate.

Dec. 15, 1840.

JOSEPH C. EGGLESTON,
JAS. H. CRAVENS,
R. N. CARNAN,
JOHNSON WATTS,
JAMES COLLINS, Jr.

On motion, the Senate adjourned.

WEDNESDAY MORNING, DEC. 16, 1840.

The Senate assembled.

The President laid before the Senate the following report from the Auditor of State:

AUDITOR'S OFFICE,
December 15, 1840. }

To HON. SAMUEL HALL,

President of the Senate:

SIR: In obedience to a resolution of the Senate requiring the Auditor of Public Accounts, Secretary and Treasurer of State to report the amount of their salaries and perquisites of office for the past year, the Auditor has the honor to submit the following statement as regards his own compensation, viz:

The stated salary of Auditor per annum is \$400 00

(See Revised Code of 1838, page 90.)

For his services in keeping the like books of accounts, Tract-books, Maps, &c., as those kept by the Canal Land Commissioner, including the accounts with each individual purchaser of canal lands for annual payment of interest and principal on each tract sold, 100 00

(See acts of 1830, page 16.)

For keeping accounts with Fund Commissioners, as checks upon those officers, 50 00

(See acts of 1835, page 30.)

For his services in keeping books of account against the Board of Internal Improvement with each member of the Board, the account of the cost of each work, such sum as is allowed annually to the clerk of the Fund Commissioners, which for the last year was 750 00

The Auditor under the acts providing for the sale of lots in Indianapolis, is entitled to one half of one per cent. on all monies paid into the Treasury by purchasers of lots, for his services in keeping accounts against the Agent of the town of Indianapolis, which during the last year amounted to 14 35

(See acts of 1831, page 69.)

It is made the duty of the Auditor to procure from the respective land offices the lists of lands taxable for the first time for each year. For this service he has himself received nothing, having uniformly given the same amount for copying for the respective counties as was charged at the land offices, this being the course pursued by his predecessor.

(See Revised Code of 1838, page 90; also acts of 1831, page 175.)

Respectfully submitted,

M. MORRIS, A. P. A.

The following message was received from the House of Representatives, by Mr. Butler, a member:

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives have passed the following bill of the House, to-wit:

No. 3, a bill to stop the per diem compensation of the members of the General Assembly of the State of Indiana, in certain cases therein mentioned.

The bill mentioned in the foregoing message was read the first time.

Mr. Carnan moved to suspend the rules, and that the bill be read a second time now;

Which was agreed to, and the bill was read a second time.

Mr. Moffatt moved to refer it to a select committee.

The ayes and noes being ordered, it was decided in the negative.

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Blair, Clark, Dobson, Elliott, Lowe, Moffatt, and Test—8.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Beard of M., Bell, Berry, Carnan, Carr, Collins, Cravens, Eggleston, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, McCord, Mendenhall, Morgan, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Watts, Williams, and Wright—35.

Mr. Parker moved to strike out the words, "during such recess" in the 11th line.

Which motion did not prevail.

Mr. Thompson then moved the following amendment:

"No member who votes for a recess for more than two days shall be entitled to any pay during such recess.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Mendenhall, Moffatt, Mount, Nave, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams, and Wright—41.

Those who voted in the negative were,

Messrs. Beard of Montgomery, Carnan, Herriott, and Parker—4.

So the amendment was not adopted.

Mr. Eggleston moved to reconsider the vote on Mr. Thompson's amendment.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Beard of Montgomery, Carnan, Carr, Eggleston, Foster, Hanna, Hargrove, Harris, Herriott, Mendenhall, Mount, Parker, and Stafford—13.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Clark, Collins, Cravens, Dobson, Elliott, Everts, Hackett, Hoover, Lowe, McCord, Moffatt, Morgan, Nave, Nickel, Riley, Roberts, Stevenson, Tannehill, Test, Thompson, Watts, Wright and Williams—31.

So said motion did not prevail.

Mr. Dobson moved further to amend the bill, by adding the following:

"Sec. 2. That the members of the General Assembly of the present and all succeeding Legislatures, shall receive but two dollars per day with the mileage as heretofore allowed by law.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Blair, Collins, Cravens, Dobson, Elliott, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Mendenhall, Moffatt, Nave, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams, and Wright—38.

Those who voted in the negative were,

Messrs. Carnan, Carr, Clark, Eggleston, Everts, Morgan, Mount, and Parker—8.

So said amendment prevailed.

Mr. Baird of St. Joseph moved to amend the amendment last adopted as follows, to add "Which said two dollars shall be in Treasury notes."

Mr. Dobson moved to amend the amendment offered by Mr. Baird by adding after the words "Treasury notes," the words "at their face."

Which was accepted by the mover.

Mr. Armstrong moved further to amend by adding the words, "not bearing interest."

Which was also accepted.

Mr. Eggleston moved to commit the bill with the amendment to a select committee;

Which was decided in the negative.

The question now recurring on the amendment of Mr. Baird of St. Joseph,

It was adopted.

Mr. Arion moved still further to amend the bill by adding, "and it is hereby made the duty of the Principal Secretary of the Senate to furnish the Auditor of State with the ayes and noes on such adjournment for more than two days."

Which was agreed to.

Mr. Test moved further to amend said bill as follows, "that no session of the Legislature shall be extended beyond the 15th day of January, after the commencement of the session."

Which was agreed to.

Mr. Eggleston moved to strike out all after the enacting clause in the bill, and insert, "that hereafter no member shall receive any per diem allowance during any recess of the Legislature, who may have voted for such recess, if such recess be longer than two days exclusive of Sunday. This act to be in force from and after its passage."

Mr. Elliott moved a division of the question,

The question being on striking out,

It was decided in the affirmative.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Berry, Blair, Carnan, Carr, Collins, Cravens, Eggleston, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, McCord, Mendenhall, Morgan, Mount, Nave, Parker, Roberts, Stafford, Tannehill, Thompson, Williams and Wright—33.

Those who voted in the negative were,

Messrs. Arion, Bell, Clark, Dobson, Elliott, Ewing, Lowe, Moffatt, Nickel, Riley, Stevenson, Test, and Watts—13.

The question now being on the adoption of the substitute offered by Mr. Eggleston,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Berry, Blair, Collins, Carnan, Carr, Cravens, Dobson, Eggleston, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Mendenhall, Morgan, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams, and Wright—42.

Those who voted in the negative were,

Messrs. Bell, Clark, Elliott, and Moffatt—4.

So said amendment was adopted.

Mr. Eggleston now moved the previous question,

Which was seconded.

The question being—Shall the main question now be put?

It was decided in the affirmative, when said bill was ordered to be engrossed for a third reading.

Mr. Armstrong presented the petition of Peter McKousky, praying for a divorce;

Which was read.

Mr. Armstrong moved to refer the petition to the Judiciary Committee.

Mr. Nave moved to lay it on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Blair, Morgan, Nave—3.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Mendenhall, Moffatt, Mount, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watt, Williams, Wright—41.

So said motion did not prevail.

The petition was then referred to the Committee on the Judiciary.

Mr. Everts presented a petition from J. F. Allison and other citizens of Laporte county, praying a change in the school law, &c., which was read, and,

On motion of Mr. Everts,

Referred to the Committee on Education.

Mr. Harris, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Ziba Holt and others of Carroll county, praying for the repeal of "an act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838, and the act amendatory thereto, approved February 24, 1840, as far as

the same extends to Carroll county, have had the same under consideration, and have directed me to report the following bill:

Bill No. 12—Entitled a bill to repeal certain acts therein named;

Which was read a first time, and passed to a second reading.

On motion of Mr. Stevenson,

Resolved, That the judiciary committee be instructed to inquire, what legislation, if any, is necessary to secure to the holders of land the use of the same upon which the Public Works have been located, and are now suspended.

On motion of Mr. Collins,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the enforcement of the payment of tolls on the Public Works of this State, on which tolls are authorized to be exacted, with leave to report by bill or otherwise.

On motion of Mr. Morgan,

Resolved, That the committee on the judiciary be requested to inquire into the expediency of extending the provisions of the 9th section of the Practice Act to the jurisdiction of Justices of the Peace on a joint note; with leave to report by bill or otherwise.

On motion of Mr. Everts,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of so amending the School law, as that in suits brought against officers for the recovery of the funds, no technicalities nor errors in matter of form, nor any amendment to the declaration or other pleadings, shall entitle the defendant to a continuance of the cause; and also to dispense with any formal declaration, other than a statement of the amount due or claimed from said office.

On motion of Mr. Wright,

Resolved, That the judiciary committee inquire into the expediency of so amending an act subjecting real and personal estate to execution, that the person entering himself replevin bail or security for the stay of execution in case of payment, can have execution against the principal debtor, to make the amount of such judgment, cost and interest, with instructions to report by bill or otherwise.

On motion of Mr. Herriott,

Resolved, That the judiciary committee be instructed to inquire into the expediency of requiring prosecuting witnesses to pay costs in cases of misdemeanors, where there is a failure of conviction, unless the Court shall certify that there was probable ground of guilt.

On motion of Mr. Hanna,

Resolved, That the committee on roads be instructed to inquire into the expediency of authorizing supervisors of roads to take timber, stone or earth, such as may be contiguous to, and necessary for, the repair of roads and highways, although the same may be within the enclosure of those owning lands through which roads or highways may pass.

Mr. Eggleston introduced a bill No. 13, "to reduce the per diem allowance of members of the Legislature of Indiana to two dollars;"

Which was read a first time, and passed to a second reading.

Mr. Hargrove introduced a bill, No. 14, amendatory of an act entitled, an act relative to crimes and punishment, approved February 10th, 1831;

Which was read a first time, and passed to a second reading.

Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

ORDERS OF THE DAY.

Bill, No. 4, of the House, entitled an act regulating the jurisdiction of Justices of the Peace, in Jackson county, approved Jan. 25, 1840. Read a second time.

Mr. Carr moved to refer the bill to a select committee.

Which was agreed to.

Ordered, That said committee consist of Messrs. Carr, Tannehill and Nickel,

JOINT RESOLUTION.

The joint resolution in relation to a United States Bank, was read a second time, and,

On motion of Mr. Parker, referred to the committee on the State Bank.

Bill No. 8—A bill entitled, an act fixing the time of holding the Probate Courts of Marion county, and for other purposes,

Was read a second time.

Mr. Morgan moved to amend the bill by adding "expense of publication to be paid out of the County Treasury of Marion county;"

Which amendment was agreed to, and the bill ordered to be engrossed for a third reading.

Bill No. 9—A bill for the establishment of a certain state road therein named,

Was read a second time, and ordered to a third reading on to-morrow.

Bill No. 10—Entitled a bill concerning Clerks' fees;

Read a second time, and passed to a third reading on to-morrow.

Bill No. 11—A bill to amend the act entitled, an act to incorporate County Libraries, approved February 17, 1838;

Read second time, and passed to a third reading on to-morrow.

On motion of Mr. Stevenson,

The resolution in relation to issuing Small Notes, was taken up.

The question being on Mr. Lowe's motion to strike out all after the word "punishment"—it did not prevail.

Mr. Elliott moved to strike out "circulating" and insert "loaning," which was accepted by the mover.

Mr. Nave moved to amend the resolution by striking it out from the resolving clause, and inserting the following:

"That a select committee be appointed to inquire into the expediency of reporting a bill, amending an act entitled, an 'act to prohibit the issuing or circulating small notes, commonly called 'shin plasters,' approved February 24, 1840, so as more effectually to carry out the provisions of said act, by subjecting any person or persons issuing small bills or notes under the denomination of five dollars, in the form of bank bills or notes, in this State, to punishment by indictment or presentment, except such small notes or bills as may be hereafter authorized to be issued by the several branches of the State Bank of Indiana, with leave to report by bill or otherwise."

During the pendency of which question the Senate adjourned.

THURSDAY MORNING, DEC. 17, 1840.

The Senate assembled.

Mr. Nave from the judiciary committee made the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred a resolution of the Senate, requesting an inquiry into the propriety of amending the now existing law so as to allow ten per cent. interest on all judgments hereafter to be rendered upon written obligations bearing interest at the rate of ten per centum until paid, have had that subject under their consideration, and have directed me to report that it is inexpedient to legislate on that subject, and respectfully ask to be discharged from the further consideration thereof.

Which report was concurred in by the Senate.

Mr. Eggleston from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom were referred the petition of Wm. B. Campbell and others, praying for an extension of the time of the Ripley circuit court, ask to be discharged from the further consideration of said petition, and recommend that the same be committed to the select committee appointed to remodel the circuit court system of the state.

Which was concurred in by the Senate.

Mr. Mendenhall from a select committee made the following report:

MR. PRESIDENT:

The select committee to whom was referred a resolution inquiring into the expediency of so amending the law regulating the jurisdiction and duties of justices of the peace in the county of Fountain as to compel all suits to be commenced in the townships where the defendant resides, so far as Fountain county is concerned, have had the same under consideration, and ask leave to report the following bill:

Bill No. 15, a bill regulating the jurisdiction of justices of the peace in Fountain county;

Which was read a first time, and passed to a second reading on tomorrow.

The Senate resumed the consideration of the resolution offered by Mr. Test on Thursday last, on the subject of prohibiting the issuing of small notes by individuals, together with the amendment offered yesterday by Mr. Nave, pending when the Senate adjourned yesterday.

Mr. Nave withdrew his proposition to amend.

The question recurring on the adoption of the resolution;

Mr. Moffatt moved to lay the resolution on the table;

The ayes and noes being demanded;

Those who voted in the affirmative were,

Messrs. Armstrong, Blair, Carnan, Clark, Collins, Ewing, Foster, Hackett, Hanna, Herriott, Moffatt, Nickel, Parker, Riley, Test, Williams and Wright—17.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Carr, Cravens, Eggleston, Elliott, Everts, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Mendenhall, Morgan, Mount, Nave, Roberts, Stafford, Stevenson, Tannehill, Thompson and Watts—28.

So said motion did not prevail.

Mr. Watts moved to amend by directing the committee to inquire into the expediency of reporting a bill instead of making it imperative;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Berry, Carnan, Carr, Collins, Cravens, Eggleston, Elliott, Everts, Foster, Hackett, Hanna, Herriott, Hoover, Kinzer, McCord, Moffatt, Morgan, Nave, Nickel, Parker, Riley, Roberts, Tannehill, Thompson, Watts, Williams and Wright—31.

Those who voted in the negative were,

Messrs. Baird of St. J., Beard of M., Bell, Blair, Clark, Ewing, Hargrove, Harris, Lowe, Mendenhall, Mount, Stafford, Stevenson and Test—14.

So said amendment was adopted.

The question was then taken on the adoption of the resolution;

The ayes and noes being demanded;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Berry, Blair, Clark, Collins, Cravens, Eggleston, Elliott, Ewing, Foster, Hanna, Hargrove, Harris, Herriott, Hoover, Lowe, McCord, Mendenhall, Mount, Riley, Roberts, Stafford, Stevenson, Test, Watts, Williams and Wright—32.

Those who voted in the negative were,

Messrs. Bell, Carnan, Carr, Everts, Hackett, Kinzer, Moffatt, Morgan, Nave, Nickel, Parker, Tannehill and Thompson—13.

So said resolution was adopted.

Ordered, That Messrs. Test, Ewing and Stevenson constitute said committee.

Mr. Elliott offered for adoption the following resolution:

Resolved, That the committee on the State Bank, be instructed to inquire into the expediency of authorizing and procuring the immediate redemption of the Treasury notes issued by the State of Indiana, of the denomination of fifty dollars, by the State Bank of Indiana, and the better to enable said Bank so to do, of authorizing her to issue notes of the denominations of one, two and three dollars to an amount not exceeding one and a half millions of dollars, and not to be re-issued after the term of five years after the date of the issue thereof.

Mr. Cravens moved to lay the resolution on the table;

On which motion, the ayes and noes were ordered.

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. J., Berry, Blair, Collins, Cravens, Everts, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Mendenhall, Morgan, Nave, Nickel, Tannehill, Test, Thompson and Wright—23.

Those who voted in the negative were,

Messrs. Aker, Arion, Beard of M., Bell, Carnan, Carr, Clark, Eggleston, Elliott, Ewing, Hanna, Herriott, Hoover, Moffatt, Mount,

Parker, Riley, Stafford, Roberts, Stevenson, Watts and Williams—22.

So said motion prevailed.

Mr. Thompson offered for adoption the following resolution:

Resolved, That the committee on finance be requested to inquire into the policy of authorizing the Treasurer of State to redeem the fifty dollar Treasury notes with the fives, and to issue the fives in amount sufficient for this purpose, and to report the result of their deliberations by bill or otherwise.

On motion of Mr. Elliott, said resolution was laid on the table.

Mr. Berry offered for adoption the following resolution:

Resolved, That the judiciary committee be requested to inquire into the expediency of amending the 31st section of an act to regulate general elections, approved Feb. 17th 1838, so as not to allow the judges and clerks of general and township elections a credit for one days work on public roads for each and every such days service, as judge or clerk except the inspector, or returning judge, unless there be more than two hundred votes polled at such election, with leave to report by bill or otherwise.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Chamberlain, Senator from the counties of Elkhart, Lagrange, Noble, Steuben and DeKalb, appeared and took his seat.

The President laid before the Senate annual reports from the Lafayette and Fort Wayne Branches of the State Bank of Indiana;

Which were read and laid on the table.

On motion of Mr. Collins, the several reports from the Branches of the State Bank were taken up and referred to the committee on the State Bank.

Ordered, That 200 copies be printed for the use of the Senate.

On motion of Mr. Mount,

The resolution offered on Wednesday by Mr. Stafford and laid on the table, on the subject of changing the mode of collecting the revenue, together with an amendment offered by Mr. Parker, was taken up.

The question being on striking out the original resolution and inserting the amendment of Mr. Parker, as amended, it was decided in the affirmative.

The resolution as amended was then adopted, and reads as follows:

Resolved, That the committee on finance be instructed to inquire into the expediency of so amending the revenue law as to reduce the per centum for collection, and graduate the per centum with reference to the amount collected in each county, as near as may be, with a view to an equitable compensation for the duties required.

On motion of Mr. Nave,

Resolved, That the committee on the State Library be instructed to inquire into the expediency of electing by joint ballot of both branch-

es of the Legislature, some suitable person as State Librarian and Superintendent of the State Capitol, and the public property belonging to the State, who shall hold his office for the term of three years, by giving bond, unless sooner removed, and who shall receive as a salary the sum of — dollars per annum, with leave to report by bill or otherwise.

On motion of Mr. Mount,

Resolved, That the committee on finance be instructed to inquire into the expediency, of requiring the tax payers of the several counties, to meet the collector in their respective townships to pay their taxes, and also to reduce and graduate the per centum in reference to the amount assessed in each county; and requiring the Board of County Commissioners to invite proposals, and contract with the lowest responsible bidder, and pay the excess that such graduated amount shall be over such contract, into the county treasury.

On motion of Mr. Wright,

Resolved, That a select committee be appointed to inquire into the expediency of making the drafts on the Fund Commissioners for work done upon the Wabash and Erie canal receivable in payment for the interest and the residue of the purchase money of the Wabash and Erie canal lands, sold or hereafter to be sold, with instructions to report by bill or otherwise.

Ordered, That said committee consist of Messrs. Wright, Ewing, and Harris.

Mr. Eggleston introduced joint resolution No. 16, on the subject of the public lands of the United States, which was read a first time and passed to a second reading to-morrow.

Mr. Ewing offered for adoption the following resolution:

Resolved, That the committee upon the State Bank be instructed to inquire into the expediency of redeeming all the drafts drawn by the Canal Commissioners (or Board of Public Works) on the Fund Commissioners, during the year last past, for and on account of work done and other liabilities incurred by the State thereon, by negotiating with the State Bank for a redemption thereof, upon consideration of authorizing said Bank to issue an amount of Bank notes of a denomination under five dollars, and not less than one dollar, to the amount of said drafts lawfully issued: and further if practicable, to negotiate for a like redemption of all the Treasury notes heretofore issued, of the denomination of \$50: Which was,

On motion of Mr. Thompson, laid upon the table.

The following message was received from the House of Representatives, by Mr. Hager, their Clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have passed the following bills of the House, to-wit:

No. 6—a bill to vacate a part of the town of Kirklin in Clinton county,

No. 7—a bill to appropriate a part of the three per cent fund belonging to Green county, to purposes therein named,

No. 8—a bill to amend an act entitled “an act relating to State Roads,” approved February 24th 1840;

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 6 and 7 mentioned in said message, were read a first time and passed to a second reading to-morrow.

Bill No. 8, in the message, was read three several times, the rules having been suspended, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Aker, on leave granted, introduced a bill No. 17, “to amend an act entitled, an act to prohibit the amalgamation of whites and blacks, which was read and passed to a second reading to-morrow.

The Senate then took up the orders of the day.

Bill No. 3 of the House of Representatives, to stop the per diem allowance of Members of the General Assembly of the State of Indiana in certain cases therein named, was read a third time and passed.

Engrossed bills of the Senate of the following titles, were read a third time and passed, viz:

No. 8, a bill fixing the times of holding the probate courts in Marion county, and for other purposes;

No. 10, a bill concerning clerks’ fees;

No. 11, a bill to amend the act entitled, an act to incorporate county libraries, approved February 17, 1838.

Ordered, That the Secretary inform the House of Representatives thereof, and request their concurrence therein.

Bill No. 9 of the Senate entitled, “a bill for the establishment of a certain state road therein named,” was read a third time, and,

On motion of Mr. Everts, referred to a select committee.

Ordered, That said committee consist of Messrs. Everts, Nave, and Baird of St. Joseph.

Bill No. 12 of the Senate, entitled, “a bill to repeal certain acts therein named, was read a second time, and, on motion of Mr. Harris, laid on the table.

Bill No. 13, a bill to reduce the per diem allowance of Members of the Legislature of Indiana, to two dollars, was read a second time, and committed to a committee of the whole, Mr. Hanna in the chair, and after some time spent therein, the committee rose, and the chairman reported the bill to the Senate with sundry amendments.

On motion of Mr. Eggleston, the bill, with the amendments, was indefinitely postponed.

Bill No. 14, a bill amendatory of an act, entitled an act relative to crime and punishments, approved Feb. 10, 1831, was read a second time and referred to the Judiciary Committee.

Mr. Beard of St. Joseph, from the Judiciary Committee, made the following report:

Mr. PRESIDENT—

The Committee on the Judiciary to whom was referred a resolution of the Senate No. 7, instructing said committee “to inquire into

the expediency of making a general revision of the Estray law, and report by bill or otherwise," have had the subject matter of said resolution under consideration. Your committee have fully examined the laws upon said subject, and find them all contained in the Revised Code of 1838, and the printed acts of 1838-9, and 1839-40. They are, perhaps, as convenient, as intelligible and as attainable in that form as they could now be rendered by this present General Assembly. At all events, a revision as contemplated by said resolution at this time and within two years after the general revision of our laws would be impolitic and attended with an expense of several hundred dollars without an equivalent benefit. Such an expenditure at this time of great embarrassment would be unwise, and the said revision inexpedient. Your committee therefore ask to be discharged from the further consideration of the same.

The question being on concurring,

Mr. Thompson moved to recommit the resolution to a select committee, which was agreed to.

Odrered, That Messrs. Thompson, Clarke, Berry, and Armstrong, be said committee.

Mr. Baird of St. Joseph, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee to whom was referred a resolution No. 8, of the Senate, requiring them "to inquire into the expediency of amending the second section of an act relative to roads and highways, approved February 24th, 1840," have had that subject before them, and directed me to report that the subject matter referred to in said resolution belongs more appropriately to the standing committee on roads. The committee therefore instructed me to report the same back to the Senate and recommend its reference to the standing committee on roads. Said Judiciary Committee ask to be discharged from the further consideration thereof.

The committee was accordingly discharged, and said reference made.

Mr. Moffatt having obtained leave, presented a memorial of sundry citizens of Vigo county, on the subject of completing the Cross-cut Canal; which was read, and

On motion of Mr. Moffatt, referred to the committee on canals and internal improvements.

On motion of Mr. Test,

Resolved, That the select committee to whom was referred so much of the Governor's message as relates to a system of the severest economy, legislative expenses, and the expenses of public printing, be directed to inquire how it is that the documentary journal is not made up as directed by law; and how it happens that the Governor's message, and many lengthy reports ordered to be printed by either House of the General Assembly, at the last session, is not only print-

ed in the documentary journal, but also in the journal of the Senate and House of Representatives, and to report whether the same is not contrary to law, and creating an unnecessary expense.

On motion of Hanna,

Mr. Ewing was added to the committees on canals and internal improvements, and on State Bank.

The following message was received from the House of Representatives, by Mr. Butler, a member.

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate, that they have passed the following bills of the Senate, viz:

No. 1, for the relief of Cecil Brandt.

No. 2 for the relief of John S. Reed.

Also, the House has passed a bill thereof, No. 39, entitled a bill to authorize the collection of the State and county revenue for the year 1839, for the county of Dubois. In which the concurrence of the Senate is requested.

Bill No. 39, referred to in the above message, was read three several times, the rules having been suspended, and passed.

Mr. Test, from the Judiciary committee, made the following report:

MR. PRESIDENT—

The Judiciary committee, to whom was referred a resolution of the Senate, instructing them to inquire into the propriety of repealing the execution law of February 16, 1839, have had the same under consideration, and instructed me to report that they deem all legislation upon the subject inexpedient at present, and to ask to be discharged from all further consideration of said resolution. The report was concurred in and the committee discharged.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled bill of the House of Representatives, entitled No. 5, an act to authorize a special term of the Putnam Circuit Court, I am instructed to bring it to the Senate for the signature of the President thereof. The President signed the bill.

Mr. Harris, from the committee on Enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following

enrolled with the engrossed bill thereof, which originated in the House of Representatives, and find the same truly enrolled.

No. 5, an act authorizing a special term of the Putnam Circuit Court.

On motion, the Senate adjourned.

FRIDAY MORNING, DECEMBER 18, 1840.

The Senate assembled.

On motion of Mr. Hargrove,

Mr. Roberts was added to the committees on roads and on claims.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that they have passed the following bills of the House, viz:

No. 11, an act to amend an act, entitled "an act to prohibit the amalgamation of whites and blacks," approved Feb. 24, 1840.

No. 12, an act for the relief of the heirs of John Buck, deceased.

No. 14, an act to amend an act, entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county," approved Jan. 18, 1840.

No. 15, an act for the relief of Benedict O'Neal.

No. 17, an act to provide for the mode of doing township business in the county of Miami; in which the concurrence of the Senate is respectfully requested.

Which bills were severally read a first time and passed to a second reading on to-morrow.

Mr. Harris, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills, did, on this day, present to his Excellency the Governor, for his approval and signature, the following bill, which originated in the House of Representatives:

No. 5, an act authorizing a special term of the Putnam Circuit Court.

Mr. Foster, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a petition to extend the provisions of certain acts therein named, to the county of Grant,

have had the subject under consideration, and direct me to report the following bill:

No. 18, a bill to extend the provisions of certain acts therein named, in the county of Grant; which was read a first time and passed to a second reading to-morrow.

Mr. Parker offered for adoption the following resolution:

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of paying the Bank the debt due her, by the bonds of the State, and of authorizing the Bank to issue small notes of a less denomination than five dollars, to the amount of one and a half millions of dollars, or any less sum, reserving to the State the power to require the Bank to withdraw her small note issue after the expiration of five years, on condition that the Bank will reduce the outstanding Treasury Notes of the State, the State transferring to the Bank her bonds to cover the amount of Treasury Notes so as aforesaid redeemed by the Bank.

On motion of Mr. Thompson.

Ordered, That said resolution be laid on the table.

Mr. Hargrove offered for adoption the following resolution:

Resolved, That the committee on Finance be instructed to inquire whether all the counties in this State, paid their full amount of taxes for the years 1839 and '40, if not, that they inquire into the cause thereof, and report a bill providing for the collection of such arrearages, where the same has not been previously provided for by special legislation.

Mr. Berry moved to amend by including "1838," which was agreed to. So said resolution as amended, was adopted.

Mr. Aker having obtained leave, presented a petition from Job Garner and others, citizens of Delaware county, praying the passage of an act to vacate the town of Harrison in said county; which was read and referred to a select committee of Messrs. Aker, Stevenson, and Ewing.

On motion of Mr. Mount,

Resolved, That the Chief Engineer be requested to report to the Senate, the condition of that portion of the White Water canal, lying between Brookville and the Laurel feeder dam—the amount expended in its construction—the amount required to complete the same—the number of locks, and their condition from the exposure to dilapidation in the unfinished state of the canal between these points.

On motion of Mr. Nave,

Resolved, That the standing committee on the judiciary be instructed to inquire into the expediency of amending the 31st section of an act, entitled 'an act organizing the supreme court and defining its powers and duties,' that, hereafter, whenever a judgment of a circuit court, by which any individual shall be imprisoned in the State prison shall be reversed by the supreme court, the supreme court shall cause the Governor to be immediately informed thereof, whose duty it shall be to issue an order for his release forthwith, upon condition that said prisoner shall enter into a recognizance to the State of Indiana, with

sufficient security, to personally be and appear before the Judges of the county in which such alleged offence shall have been committed, at the Court House in said county, on the first day of the term the next thereafter to be holden, and then and there answer to such matters and things as may be charged or preferred against him in said Court, unless said reversal shall be for want of testimony to support said indictments, with leave to report by bill or otherwise.

On motion of Mr. Wright,
Resolved, That the committee on roads inquire into the expediency of so amending an act relating to public roads and highways, that each road district shall elect its own Supervisor (instead of by townships,) with instructions to report by bill or otherwise.

Mr. Hargrove introduced a bill, No. 19, to amend an act to provide for the opening and repairing of public roads and highways in Gibson county, approved Feb. 17, 1838,

Which was read the first time, and passed to a second reading to-morrow.

ORDERS OF THE DAY.

Bill of the House, No. 6, to vacate a part of the town of Kirkland,
 Which was read second time, and passed to a third reading to-morrow.

Bill of the House, No. 7, to appropriate part of the three per cent. fund belonging to Greene county to purposes therein named,
 Which was read a second time, and,

On motion of Mr. Clark, ordered to lie on the table.

Bill, No. 15, of the Senate, regulating the jurisdiction of Justices of the peace in Fountain county;

Read a second time, and ordered to be engrossed for a third reading on to-morrow.

Joint resolution, No. 16, in relation to the Public Lands, read a second time, and,

On motion of Mr. Collins, referred to the committee on federal relations.

Bill. No. 17, to repeal an act prohibiting the amalgamation of whites and blacks, read a second time.

Mr. Arion moved to amend the bill, as follows:

"Any Clerk authorized to grant marriage license, who shall knowingly grant such license, authorizing the intermarriage of such persons as are prohibited by the first section of the act to which this is an amendment, shall, on conviction by presentment or indictment, be fined in any sum not exceeding one hundred dollars; and any person authorized to solemnize matrimony, who shall knowingly unite in marriage such persons as are prohibited by the first section of the aforesaid act, shall, on conviction by presentment or indictment, be fined in any sum not exceeding one hundred dollars.

On motion of Mr. Thompson,

The bill with its amendment, was referred to the judiciary committee.

Mr. Everts, on leave being granted, made the following report from a select committee:

Mr. PRESIDENT:

The select committee to whom was referred a bill of the Senate, No. 9, for the establishment of a certain State road therein named, on its third reading, have directed me to report the bill back to the Senate with an amendment, to which they ask the concurrence of the Senate, and recommend the passage of the bill.

Which report was concurred in, and the bill passed.

Mr. Tannehill, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a resolution of the Senate, requesting them to inquire into the expediency of so amending the act regulating the election of Prosecuting Attorneys, as to have the same elected by the people or appointed by the circuit court; also the propriety of electing or appointing one in each county, have had the same under consideration, and have directed me to report the accompanying bill;

Bill No. 20, to amend the act entitled "an act to provide for the appointment of circuit prosecutors and defining their duties," approved January 20th, 1831, which was read the first time, and passed to a second reading on to-morrow,

On motion of Mr. Hargrove,

The report of the Treasurer of State on the Surplus Revenue was taken up and referred to the committee on Education.

On motion of Mr. Carr,

The annual reports of the Auditor and Treasurer of State were taken up, and referred to the committee on Finance.

Mr. Hargrove moved to take from the table the report of the Secretary of State on the subject of the State Library, and refer the same to the committee on the State Library.

Mr. Nave moved the following instructions to said committee, which were adopted.

To ascertain if in their power the entire number of volumes purchased by the state up to this time for the use of the State Library, at what place, and from whom purchased, the number of volumes now on hand, the whole number missing, together with the cost of the same, and report the present condition of the said Library.

Joint resolution No. 21, in relation to the selection of lands for the Wabash and Erie Canal, read the first time, and on motion of Mr. Ewing, the rules of the Senate were suspended and it was read a second and third times and passed.

And then the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Test, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a resolution of the Senate instructing them to inquire into the expediency of reporting a bill to amend the act entitled "an act to prohibit the issuing or circulating of small notes commonly called 'shin plasters,' approved Feb. 24, 1840," so as more effectually to carry out the provisions of said act by subjecting any person or persons issuing and loaning small notes or bills under the denomination of five dollars in the form of bank bills in this State, to punishment by presentment or indictment, except such small notes or bills as may hereafter be authorized to be issued by the State Bank, have had that subject under consideration and directed me to report,

A Bill, No. 22, to amend the act entitled, "an act to prohibit the issuing or circulating of small notes commonly called "shin plasters," approved Feb. 24, 1840;

Which was read a first time and passed to a second reading on to-morrow.

On motion of Mr. Clark,

Bill No. 7, of the House, to appropriate part of the three per cent. fund belonging to Greene county to purposes therein named, was taken from the table, read a second time and passed to a third reading.

Mr. Nave offered for adoption the following resolution, on leave being granted:

Resolved, That the select committee on apportionment be instructed to report a bill to the Senate, fixing the representation in the Legislature of Indiana, as follows, viz: reducing the present number of Senators to thirty and of Representatives to sixty.

Mr. Baird of St. Joseph moved to amend the resolution, by striking out all after the resolving clause and insert the following:

"As an expression of the sense of this Senate, that in the apportionment of the Senators and Representatives, that the select committee on that subject be instructed to report the number at fifty members for the Senate and one hundred for the House of Representatives."

A division of the question being called for by Mr. Watts,

The question was on striking out,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Carnan, Chamberlain, Collins, Elliott, Everts, Ewing, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, Mendenhall, Morgan, Roberts, Stafford, Williams, and Wright—26.

Those who voted in the negative were,

Messrs. Armstrong, Blair, Carr, Cravens, Eggleston, Hanna, Herriott, McCord, Moffatt, Mount, Nave, Nickel, Parker, Riley, Stevenson, Tannehill, Test, and Watts—18.

So said resolution was stricken out.

Mr. Berry moved to amend the amendment offered by Mr. Baird, by striking out the word "fifty," and inserting in lieu thereof the word "forty," and striking out the words "one hundred," and inserting in lieu thereof the word "eighty."

When Mr. Test moved to amend the proposition of Mr. Berry, by adding, after the words "forty" and "eighty," the words "as near as practicable."

Which was accepted by the mover.

A division of the question being demanded, the question was taken on striking out. The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Beard of Mont., Bell, Berry, Blair, Carr, Cravens, Eggleston, Everts, Foster, Hanna, Herriott, Hoover, Lowe, Mount, Nave, Nickel, Parker, Riley, Stevenson, Tannehill, Test, Watts, and Williams—25.

Those who voted in the negative were,

Messrs. Aker, Baird of St. J., Carnan, Chamberlain, Collins, Elliott, Ewing, Hackett, Harris, Hargrove, Kinzer, McCord, Mendenhall, Moffatt, Morgan, Roberts, Stafford, Thompson, Wright, and Arion—20.

So said words in the amendment were stricken out.

Mr. Parker proposed to fill the blanks with words "thirty" and "fifty as near as practicable."

Mr. Thompson moved that the resolution and proposed amendments be laid upon the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of Mont., Carnan, Chamberlain, Collins, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Hargrove, Hoover, Kinzer, Moffatt, Morgan, Roberts, Stafford, and Thompson—21.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Bell, Berry, Blair, Carr, Clark, Cravens, Hanna, Harris, Herriot, Lowe, McCord, Mendenhall, Mount, Nave,

Nickel, Parker, Riley, Stevenson, Tannehill, Test, Watts, Williams, and Wright—25.

So said motion did not prevail.

On motion, the Senate adjourned.

SATURDAY MORNING, DEC. 19, 1840.

The Senate met.

Mr. Berry presented the petition of Elizabeth Hughes, a citizen of Monroe county, praying for the passage of an act to authorize her to sell certain land; which was read, and,

On motion of Mr. Berry, referred to the judiciary committee.

The Senate then resumed the consideration of the subject pending when the Senate adjourned on yesterday, being the resolution offered by Mr. Nave.

After considerable debate and before any decision was had thereon, The Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The resolution in relation to the apportionment was again resumed.

The question being on filling up the blank in the amendment with "40" and "80;"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Clark, Cravens, Eggleston, Foster, Hanna, Hargrove, Herriott, Lowe, McCord, Mendenhall, Mount, Nave, Nickel, Parker, Riley, Stevenson, Tannehill, Test, Watts, and Williams—27.

Those who voted in the negative were,

Messrs. Aker, Baird of St. J., Carnan, Carr, Chamberlain, Collins, Elliott, Everts, Ewing, Hackett, Harris, Hoover, Kinzer, Moffatt, Morgan, Roberts, Stafford, Thompson and Wright—19.

So the blank was so filled up.

Mr. Thompson moved the following amendment: "also instructed that no county shall be entitled to more than one Senator and two Representatives;"

Which did not prevail.

Mr. Armstrong proposed the following instructions, which were adopted:

"That said committee shall in making such apportionment have reference as well to the number of votes cast in each county at the last August and Presidential elections, as to the report of the Secretary of State, relative to the number of polls in each, to the end that such apportionment may be as nearly equal as practicable.

The question was then taken on adopting the substitute of Mr. Baird as amended to the original resolution:

The ayes and noes were demanded,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Cravens, Eggleston, Everts, Foster, Hanna, Hargrove, Herriott, Lowe, McCord, Mount, Nave, Nickel, Parker, Riley, Stevenson, Test, Watts, and Williams—25.

Those who voted in the negative were,

Messrs. Aker, Baird of St. J., Carnan, Carr, Chamberlain, Clark, Collins, Elliott, Ewing, Hackett, Harris, Hoover, Kinzer, Mendenhall, Moffatt, Morgan, Roberts, Stafford, Tannehill, Thompson, and Wright—21.

So said amendment as amended was adopted.

And then the resolution as amended was adopted.

Mr. Harris from the joint committee on enrolled bills, reports:

MR. PRESIDENT:

The joint committee on enrolled bills did, on this day, present to his Excellency, the Governor, for his approval and signature, the following bill which originated in the Senate, to-wit:

No. 2, an act for the relief of John S. Reed.

The following message was received from His Excellency the Governor, by Mr. Moore, his private Secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has this day approved and signed a bill which originated in the Senate, entitled, "an act for the relief of John S. Reed."

On motion, the Senate adjourned.

The following message was received from the House of Representatives by Mr. Hagar, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the amendment of the Senate to bill of the House,

No. 3, a bill to stop the per diem compensation of members of the General Assembly of the State of Indiana, in certain cases.

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bill of the Senate:

No. 2, a bill for the relief of John S. Reed;
and the following enrolled bills of the House;

No. 3, an act to stop the per diem compensation of members of the General Assembly of the State of Indiana, in certain cases.

No. 39, an act to authorize the collection of the State and county revenue for the year 1839, for the county of Dubois.

No. 8, an act to amend an act, approved February 24, 1840, entitled, "an act relating to state roads.

I am directed to bring the same to the Senate for the signature of the President thereof.

Said bills were so signed by the President.

Mr. Harris from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives, and find the same correctly enrolled, to-wit:

No. 3, an act to stop the per diem compensation of Members of the General Assembly of the State of Indiana, in certain cases therein mentioned,

No. 8, an act to amend an act, Approved February 24th, 1840, entitled "an act relating to State Roads,"

No. 39, an act to authorize the collection of the state and county revenue, for the year 1839, for the county of Dubois.

Also, the following enrolled with the engrossed bill of the Senate, to-wit:

No. 2, an act for the relief of John S. Reed.

MONDAY MORNING, DEC. 21, 1840.

The Senate assembled.

Mr. Beard of Montgomery presented the petition of W. M. Campbell, praying for relief;

Which was read and referred to the committee on canals and internal improvements.

Mr. Watts presented the remonstrance of Stephen Ludlow, against any legislative action which may prejudice his interest in a certain case;

Which was read and referred to a select committee of Messrs. Watts, Eggleston and Nave.

Mr. Test presented a memorial of the religious Society of Friends, praying a modification of the law regulating millers, so as not to require any one to grind for distillation who does not wish to do so;

Which was read and referred to a select committee of Messrs. Test, Parker and Elliott.

Mr. Aker from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of Job Garner and others, praying an act to vacate the town of Harrison, in Delaware county, have had the same under consideration, and instructed me to report a bill in conformity with the prayer of said petition.

No. 23, a bill to vacate the town of Harrison, in Delaware county, was read the first time and passed to a second reading.

On motion of Mr. Ewing,

Resolved, That the Chief Engineer and Acting Commissioner of the Wabash and Erie canal be requested to inform the Senate, how many superintendents are employed on the Wabash and Erie canal, and the salaries or per diem allowance paid them.

Mr. Watts offered for adoption the following resolution:

Resolved, That the select committee heretofore appointed to equalize the judicial circuits of this state, be and they are hereby instructed to create one additional circuit, and that they arrange the several circuits as follows, to-wit:

The 1st circuit to be composed of the counties of Benton, Warren, Tippecanoe, Fountain, Montgomery, Clinton and Boone.

The 2d circuit, of the counties of Scott, Washington, Clark, Floyd, Orange, Harrison and Crawford.

The 3d circuit, of the counties of Dearborn, Switzerland, Jefferson, Jennings and Ripley.

The 4th circuit, of the counties of Dubois, Pike, Gibson, Posey, Vanderburgh, Warrick, Spencer and Perry.

The 5th circuit, of the counties of Hamilton, Hancock, Shelby, Marion, Hendricks, Morgan, Johnson and Bartholomew.

The 6th circuit, of the counties of Wayne, Union, Fayette, Rush, Decatur and Franklin.

The 7th circuit, of the counties of Vermillion, Parke, Putnam, Clay, Vigo, Sullivan and Knox.

The 8th circuit, of the counties of Jasper, White, Carroll, Cass, Fulton, Miami, Wabash and Pulaski.

The 9th circuit, of the counties of Elkhart, Kosciusko, St. Joseph, Marshall, Laporte, Porter, Lake and Stark.

The 10th circuit, of the counties of Greene, Lawrence, Monroe, Brown, Jackson, Owen, Martin and Daviess.

The 11th circuit, of the counties of Grant, Blackford, Jay, Randolph, Delaware, Madison and Henry.

The 12th circuit, of the counties of Steuben, Lagrange, Noble, DeKalb, Whitley, Allen, Adams, Wells and Huntington.

Mr. Clark moved to strike Jackson from the 10th circuit, and insert it in the second, and Crawford from the second and add it to the fourth;

Which motion was accepted by the mover.

Mr. Thompson moved to lay said resolution on the table;

Which motion prevailed.

On motion of Mr. Chamberlain,

Resolved, That the Chief Engineer be requested, without unnecessary delay, to lay before the Senate an answer to the resolutions, relative to the Erie and Michigan canal and the Wabash and Erie canal, adopted by the Senate at the last session thereof, on the 23d day of January, 1840, which resolutions he has hitherto neglected to answer.

Mr. Ewing moved to take from the table the resolution offered by him a few days before, in relation to redeeming the drafts of the Acting Commissioner for work done on the Wabash and Erie canal;

Which was not agreed to.

Mr. Eggleston moved to take from the table Mr. Parker's resolution in relation to the Bank debt;

Which was not agreed to.

On motion of Mr. Herriott,

Resolved, That for the purpose of securing more certain assessment and collection of the state revenue, in all the counties in the state agreeable to law, the judiciary committee be instructed to inquire into the expediency of so amending the law, to regulate the mode of doing county business in the several counties in this state, app'd Feb. 17th, 1838, as to require the members of the boards of commissioners in the several counties in this state to enter into bond and security, and report by bill or otherwise.

On motion of Mr. Wright,

Resolved, That the committee on elections inquire into the expediency of so amending an act entitled an act regulating general elections, that each voter shall vote in the township where he resides, with instructions to report by bill or otherwise.

Mr. Carnan introduced a bill, entitled,

No. 24, a bill to incorporate St. Gabriel College.

Mr. Everts introduced a bill, entitled,

No. 25, a bill to amend an act entitled an act subjecting real and personal estate to execution, approved February 4, 1831.

Mr. Parker introduced a bill, entitled,

No. 26, a bill for the relief of Wm. H. Evans.

Mr. Eggleston introduced a bill, entitled,
No. 27, a bill concerning sales of land on execution.

Mr. Everts introduced a bill, entitled,

No. 28, a bill to amend an act to incorporate the town of Laporte, approved February 18, 1839.

Which were severally read a first time and passed to a second reading on to-morrow.

Bills of the House of Representatives of the following titles were read a third time and passed, viz:

No. 6, an act to vacate a part of the town of Kirklin, in Clinton county;

No. 7, an act to appropriate a part of the three per cent. fund belonging to Greene county to purposes therein named.

Bill of the Senate, entitled,

No. 15, an act regulating the jurisdiction of justices of the peace in Fountain county, was read a third time and passed.

Bill No. 11, of the House, an engrossed bill to amend an act entitled an act to prohibit the amalgamation of whites and blacks, approved Feb. 24, 1840, was read a second time.

Mr. Baird of St. J. moved to refer the bill to the committee on the judiciary.

Mr. Clark moved that the committee be instructed to report a bill repealing the whole act.

A division being called for,

The question was taken on referring the bill,

And decided in the affirmative.

The question recurring on Mr. Clark's motion to instruct,

It was decided in the negative.

Bill No. 12, of the House, engrossed bill for the relief of the heirs of John Burke, dec'd.,

Was read a second time and referred to the committee on the judiciary.

Bill of the House, No. 14, to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county.

Mr. Nave offered the following amendment:

In the 1st line of the 1st section after the word "enacted" insert the words, "by the General Assembly of the State of Indiana;"

Which was agreed to, and the bill was read a second time and passed to a third reading on to-morrow.

Bill No. 15, of the House, engrossed bill for the relief of Benedict O. Neal,

Was read a second time and referred to the judiciary committee.

Engrossed bill of the House, No. 17, to provide for the mode of doing township business in the county of Miami,

Was read the second time, and,

On motion of Mr. Wright, the rule was suspended, and the bill read a third time and passed.

No. 18, bill of the Senate to extend the provisions of certain acts therein named, in the county of Grant,

Was read a second time and passed to a third reading.

No. 19, bill of the Senate, to amend an act to provide for the opening and repairing public roads and highways in Gibson county;

Which was read a second time and passed to a third reading.

No. 20, of the Senate, a bill to amend the act entitled "an act to provide for the appointment of a circuit prosecutor and defining his duties," approved January 20th, 1831;

Which was read a second time and referred to the judiciary committee.

No. 22, of the Senate, a bill to amend the act entitled "an act to prohibit the issuing or circulating of small notes commonly called 'shin plasters,'" approved Feb. 24, 1840;

Was read a second time, and

On motion of Mr. Bell, referred to the committee on the State Bank.

On motion of Mr. Clark,

The report of the Fund Commissioners was referred to the committee on Finance.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Carnan having obtained leave, introduced Bill No. 29, to establish a ferry therein named;

Was read the first time and passed to a second reading on to-morrow.

The following message was received from the House of Representatives, by Mr. Butler, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has passed a joint resolution thereof entitled,

No. 53, a joint resolution relative to the contract with the Morris Canal and Banking Company, for rail-road iron, made by the Fund Commissioner, Milton Stapp, Esq.;

In which the concurrence of the Senate is respectfully requested:

The joint resolution mentioned in the above messages was read the first time.

Mr. Baird of St. Joseph moved that the rules of the Senate be suspended, and that the resolution be read a second time now.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Armstrong, Baird of St. Joseph, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Mendenhall, Moffatt, Morgan, Mount, Parker, Riley, Stevenson, Test, Thompson, Watts, Williams and Wright—35.

Those who voted in the negative were,

Messrs. Angle, Arion, Beard of M., Bell, Hanna, Herriott, Nave, Nickel, Stafford, and Tannehill—10.

So the rules were suspended and the joint resolution was read a second time.

Mr. Parker offered the following amendment:

Insert after the words, "rail-road iron," "that it is the desire of the State that the first instalment be paid in good bar iron."

On motion of Mr. Eggleston, said amendment was laid on the table.

On motion of Mr. Baird of St. Joseph, the rules were again suspended, and the joint resolution was read a third time.

On the question, Shall the joint resolution pass? and
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Armstrong, Baird of St. Joseph, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Mendenhall, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Test, Thompson, Watts, Williams and Wright—35.

Those who voted in the negative were,

Messrs. Angle, Arion, Beard of M., Bell, Hanna, Herriott, Nave, Nickel and Tannehill—9.

So said joint resolution passed.

Mr. Harris, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills reports that they did on this day present to his Excellency the Governor, for his approval and signature, bills of the following titles, which originated in the House of Representatives, to-wit:

No. 3, an act to stop the per diem compensation of the members of the General Assembly of the State of Indiana, in certain cases therein named;

No. 8, an act to amend an act approved February 24, 1840, entitled an act relating to state roads;

No. 39, an act to authorize the collection of the state and county revenue for the year 1839, for the county of Dubois.

On motion, the Senate adjourned.

TUESDAY MORNING, DEC. 22, 1840.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills of the Senate;

No. 5, an act to repeal an act entitled "an act to provide for a more uniform mode of doing township business, in the county of Randolph, approved January 21st, 1839;

No. 8, an act fixing the times of holding the probate courts of Marion county, and for other purposes;

No. 21, a joint resolution of the General Assembly of the State of Indiana, in relation to the selection of lands for the Wabash and Erie Canal.

Also, the following bills of the House;

No. 2, an act to regulate the practice in suits at law;

No. 20, an act to authorize the Board of Commissioners and the probate court of Jackson county, to hold the sessions of their respective courts in the clerk's office of said county;

No. 21, an act to incorporate the Owen County Band of Gosport;

No. 22, an act to provide for a more uniform mode of doing township business in the county of Elkhart;

No. 23, an act to amend an act entitled "an act providing for the recording of mortgages on personal property;"

No. 24, an act to amend the practice in suits in chancery;

No. 29, an act to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, De Kalb, and Noble;

No. 34, an act repealing so much of an act approved February 24th, 1840, as relates to Union county;

In which the concurrence of the Senate is respectfully requested.

Bill No. 2, named in the above message, was read the first time, and

On motion of Mr. Thompson,

The rule was suspended, and the bill read a second time and referred to the judiciary committee.

Bills Nos. 20, 21, 22, 23, 24, 29, 34 named in the above message, were severally read the first time and passed to a second reading on to-morrow.

Mr. Hargrove, from a select committee, made the following report, which was read and laid on the table.

MR. PRESIDENT:

The select committee to whom was referred a resolution, instructing them to inquire of the Judges of the Supreme Court, what progress they have made in the revision of the statute laws of this State, pursuant to a joint resolution thereof, approved January 28th, 1839, according to order, proceeded in the discharge of their duty to address a note to the aforesaid Judges of the Supreme Court, respectfully requesting them to give the information sought for by the Senate, in answer to which your committee received the following communication, giving the information required, which is herewith submitted as a part of this report, and therefore ask to be discharged from the further inquiry thereof.

To the Hon. John Hargrove, chairman of a select committee, &c.

SIR—Your note of the 17th instant, requesting information respecting the progress we have made in a revision of the statute laws, has been duly received.

In answer to your inquiry we have to inform you, that we have been so constantly engaged in the business of our Court, since the Legislature honored us with the appointment to which you allude, that we have not been able to commence the revision, and that we have no hope that it will be in our power, within any reasonable time, to prepare it.

Very respectfully,

Your obedient servants,

ISAAC BLACKFORD,
CHARLES DEWEY,
JER. SULLIVAN.

Indianapolis, 18th December, 1840.

Mr. Elliott made the following report:

MR. PRESIDENT:

The select committee to which was referred the memorial of the Society of Friends, called Quakers, praying a modification of the law regulating grist mills and millers, as not to compel the owner or occupier of any grist mill to grind grain for the purposes of distillation, have had the same under consideration, and have instructed me to

report a bill in accordance with the prayer of said memorial, entitled, No. 30—A bill to amend an act entitled, an act regulating grist mills and millers, approved Feb. 10, 1831,

Which was read the first time, and passed to a second reading on to-morrow:

On motion of Mr. Baird of St. Joseph,

Resolved, That the committee on canals and internal improvements, be instructed to ascertain as soon as practicable the amount of tolls which have been received on that portion of the southern and of the central canal, which lies between the Pigeon feeder end Evansville, and what amount of arrears has been received and to be received, for privileges of water power on said canal; and further, that said committee be authorized to correspond with Mr. Amos Clark, of Vanderburgh county, the superintendent on said canal, who was appointed said superintendent by the 13th section of an act, approved February 22, 1840, which act is to be found in local laws, page 150, and to request said Amos Clark to report to the Senate, the whole of his proceedings as such superintendent for information.

On motion of Mr. Arion,

Resolved, That the committee on education be instructed to inquire into the expediency and propriety of providing by law for a chaplain to the convicts, that now are, or hereafter may be, confined in the State prison.

On motion of Mr. Mendenhall,

Resolved, That the committee on elections be instructed to inquire into the expediency of so amending the laws regulating general elections, as to punish by fine or otherwise, any person who shall have voted at any of the elections authorized by the laws of the State, such person not being eligible by the constitution thereof, with leave to report by bill or otherwise.

On motion of Mr. Williams,

Resolved, That the judiciary committee inquire into the expediency of so amending the law relative to county commissioners, as to require that they shall give bond for the faithful discharge of their duties, and that said committee report a bill accordingly.

Mr. Moffatt gave notice that he would, on to-morrow, move to amend the standing rules of the Senate, so as to provide that, hereafter, the standing committees of the Senate shall consist of five members only.

On motion of Mr. Chamberlain,

Resolved, That the committee on finance be instructed to inquire into the expediency and propriety of refusing to pay any further interest on the debt now due the State, for bonds sold to, and fraudulently obtained by, the Morris Canal and Banking Company.

On motion of Mr. Nave,

Resolved, That the Doorkeeper be authorized to sell at public auction the old carpet removed off the floor of the Senate chamber by a resolution for that purpose; and to deposite the proceeds of such sale

in the State treasury, to be hereafter appropriated as other moneys in the treasury are—all of which he shall report to the Senate.

On motion of Mr. Kinzer,

Resolved, That the judiciary committee be authorized to inquire into the expediency of so amending the law relative to steamboats taking wood from a flat or wood pile, and not leaving the name of the boat, or number of cords of wood taken, that the said steamboats so trespassing, subject themselves to a fine double the amount of wood so taken, and be liable to be prosecuted, as set forth in the second section of an act authorizing the seizure of boats and other vessels for debt.

On motion of Mr. Nave,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of passing a law, requiring the Treasurer, Auditor, and Secretary of State, hereafter, to make their annual reports directly to the Governor, and to be by him annually communicated to the General Assembly of the State of Indiana; with leave to report by bill or otherwise.

Mr. Wright proposed the following resolution:

Resolved, That the Judiciary committee inquire into the expediency of so amending an act, entitled, an act regulating the fees and salaries of the several officers and persons therein named; that attorneys' and counsellors' fees in the Supreme Court shall not be taxed or allowed, unless the matter in controversy, exclusive of costs, exceed \$100, with instructions to report by bill or otherwise.

Mr. Elliott moved to amend the resolution, by inserting, after "\$100," the following: "also that said committee inquire into the propriety of limiting the jurisdiction of the Supreme Court, so that an appeal or writ of error will lie in no case to said Court, where the amount, exclusive of costs, is less than fifty dollars."

Which amendment was accepted by the mover of the resolution, and the resolution was then adopted.

On motion of Mr. Chamberlain,

Resolved, That a select committee be appointed to inquire into the expediency of providing, by law, for the application, on the Michigan road, all the road labor required by law of the people residing within two miles of said road, on each side thereof.

Ordered, That said committee consist of Messrs. Chamberlain, Baird of St. Joseph, and Hanna.

Mr. Collins introduced bill No. 31, to authorize the Governor of the State to order a special election for Representatives in Congress; Which was read the first time, and passed to a second reading.

The following communication to the Secretary of State, was laid before the Senate by Mr. Williams, was read and referred to the committee on apportionment:

STATE OF INDIANA, }
WAYNE COUNTY, } ss.

I, John Finley, Clerk of the Wayne Circuit Court, certify, that the number of persons exempt from a poll tax, who are not certified to the Auditor of State, from the county of Wayne, is nine hundred and ten, (910) so far as can be ascertained from the *assessment rolls and duplicate of taxes*, - - - - - 910

Number of persons assessed by collector, } - - - - - 26
paupers and insane, not returned, } - - - - -
936

In testimony whereof, I hereunto subscribe my name, and affix the seal of said Court, the 15th day of December, 1840.

JOHN FINLEY, C. W. C. C.

NOTE.—The return would have been made in due time to the Secretary's office, had the collector made the proper return to me; but the imperfect assessments made it impossible for him to comply fully with the law.

JOHN FINLEY.

ORDERS OF THE DAY.

Bill No. 14, of the House, to amend an act entitled, an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county, was read the third time and passed.

Bill No. 18, of the Senate, to extend the provisions of certain acts therein named, to the county of Grant, was read the third time and passed.

Bill No. 19, of the Senate, to amend an act to provide for the opening and repairing public roads and highways, in Gibson county, was read the third time and passed.

Bill No. 23, of the Senate, to vacate the town of Harrison, in Delaware county, was read the second time, and ordered to be engrossed for a third reading to-morrow.

Bill No. 24, of the Senate, to incorporate St. Gabriel college, was read the second time, and referred to the committee on Corporations.

Bill No. 25, of the Senate, to amend an act entitled, an act subjecting real and personal estate to execution. Approved Feb. 4, 1831, was read a second time, and referred to the Judiciary committee.

Bill No. 26, of the Senate, for the relief of William H. Evans, was read the second time and referred to the committee on the Judiciary.

Bill No. 27, of the Senate, concerning sales of land on execution, was read the second time, and referred to the committee on the Judiciary.

Bill No. 28, of the Senate, to amend an act to incorporate the town of Laporte, approved Feb. 18, 1839, was read the second time and referred to the committee on Corporations.

Bill No. 29, of the Senate, to establish a ferry therein named, was read the second time, and referred to a select committee of Messrs. Hargrove, Carnan, and Chamberlain.

On motion of Mr. Chamberlain,

The resolution of Mr. Watts, in relation to the arrangement of the Judicial Circuits, was taken from the table.

Mr. Foster moved to strike out Wells county from the 12th circuit, and attach it to the 11th, which was not agreed to.

Mr. Nave moved to strike out Boon county from the 1st and attach it to the 5th circuit, which was not agreed to.

Mr. Mount moved to strike out of the 6th the county of Franklin, and attach it to the 3d, which was not agreed to.

The question was then taken on adopting the resolution, and decided in the affirmative.

The President laid before the Senate the following communication from J. L. Williams, Esq., Principal Engineer of the State of Indiana, which was read, and,

On motion of Mr. Thompson,

Referred to the committee on Modification.

HON. SAMUEL HALL:

President of the Senate,

Sir: Please lay before the Senate the enclosed report, in answer to a resolution of that body.

Very respectfully,

Your obedient servant,

J. L. WILLIAMS.

Indianapolis, Dec. 21, 1840.

CHIEF ENGINEER'S OFFICE, }
INDIANAPOLIS, DEC. 21, 1840. }

To the Honorable Senate

of the State of Indiana:

In reply to a resolution of the 18th inst, requiring the Chief Engineer to "report the condition of that part of the White Water Canal lying between Brookville and the Laurel feeder dam; the amount expended in its construction; the amount required to complete the same; the number of locks, and their condition, from their exposure to dilapidation in the unfinished state of the canal between those points;" the undersigned respectfully submits the following statement:

The distance from Brookville to the Laurel dam, is fourteen and one-third miles.

The total cost, at contract prices of this portion of the line, is estimated at - - - - - \$315,819 00

Of which there is already done - - - - - 200,356 00

Leaving the amount of work to be done, - - - - - \$115,463 00

The earth-work on this portion of the line, is about three-fourths done; several of the locks, of which there are eleven in the whole distance, are nearly completed; and of the others, the foundations are laid, and in many cases the masonry commenced.

The dam at Laurel is about half done; the aqueduct at Duck creek about one-third done; and several of the culverts are completed, and others in a state of forwardness.

If funds were provided in season, the whole distance might be completed and opened for navigation by next October.

The foundations of the locks, having been constructed, with a view to their speedy submersion, of such timber as could be most conveniently procured, without regard to its durability in a dry state, are peculiarly liable to decay, while the canal is left dry; and it is obvious, that when the foundations of the finished, or partially completed locks become decayed, the heavy expense of re-constructing the superincumbent masonry must be incurred, in addition to the mere re-placement of the timber foundation.

The dam has already received some injury from floods, and is constantly exposed, in its unfinished state, to additional injury from the same source, more particularly when the floods are accompanied with ice. The unfinished culverts are also liable to injury or destruction from similar causes. The soil through which this portion of the canal is made being of a sandy and gravelly texture, the unfinished excavations have in some instances been partially filled up by the washings of heavy rains, and portions of embankment have been washed away; and this species of injury must continue to a greater or less extent until the banks are finished with their proper slope, and the usual protection placed upon them in exposed situations.

Respectfully submitted,

J. L. WILLIAMS,

Ch'f Eng'r.

Mr. Aker asked and obtained leave of absence from the Senate.
The Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion of Mr. Collins,

Resolved, That the Board of internal improvements be requested to communicate to the Senate the present condition of the work upon the New Albany and Vincennes McAdamized Road—the amount it would probably cost to complete the same to Mount Pleasant, and to grade it from that point to Vincennes with the necessary culverts and bridges, including the bridges over the White rivers—also to inform the Senate of the present condition of the Jeffersonville and Crawfordsville road, from Jeffersonville by the way of New Albany to Salem, and the sum it will probably cost to complete the same to that point, including bridges and culverts.

On motion of Mr. Williams,

Resolved, That the Judiciary Committee inquire whether in their opinion the 12½ cents, on each share of individual stock in any of the branches of the State Bank of Indiana, set apart by the 9th section of the Bank charter, is to be computed as a part of the state and county tax, to which all corporation stock is subject, or whether said 12½ cents on each share aforesaid, was intended as a *bonus* to the State on the part of individual stockholders, and consequently, that said individual stock should pay the same rate of taxation as other corporation stock, exclusive of the 12½ cents aforesaid, and that said committee report to the Senate by resolution.

On motion of Mr. Stevenson,

Resolved, That the Principal Engineer be requested to inform the Senate which of the works of the system of 1836 is in that state of forwardness that it would yield the greatest amount of revenue to the State in proportion to future expenditures.

Mr. Test moved to amend by adding "which the second."

Mr. Elliott moved to add, "which work is the third?"

Mr. Baird of St. Joseph, moved to amend by adding "which the fourth?"

Mr. Dobson moved to amend by adding "which the 5th, 6th, 7th, 8th, and 9th."

On motion of Mr. Parker, the resolution and amendments were laid on the table.

On motion of Mr. Elliott, the resolution in relation to the bank debt, offered by Mr. Parker, was taken from the table.

Mr. Wright moved to amend, by including the "land scrip" of the Wabash and Erie canal; which was accepted by the mover.

On motion of Mr. Elliott, the amendment in relation to the "land scrip" of the Wabash and Erie Canal, was stricken out.

Mr. Chamberlain moved to strike out that part of the resolution relating to the "small note issue."

The question being on striking out,

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Mendenhall, Nickel, Roberts, Stafford, Tannehill, and Thompson—18.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carman, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Nave, Parker, Riley, Test, Watts, Williams, and Wright—27.

So said amendment was not adopted, and the resolution was adopted.

Mr. Angle, leave being granted, introduced Bill No. 32, to repeal,

the 14th section of an act relating to public roads and highways, passed February 17th, 1838;

Which was read a first time and passed to a second reading tomorrow.

On motion of Mr. Ewing,

Resolved, That the Secretary of State and Fund Commissioners be requested to furnish the Senate with a catalogue or list of all the State Bonds heretofore issued with an abstract of 1st the number, 2d the date, 3d the amount, 4th the rate of interest, 5th time of payment, 6th name or names of commissioner or commissioners issuing them, 7th to whom sold, and 8th for what purpose issued—commencing with the first number issued.

And second; to inform the Senate, whether a record of the bonds was made before being issued, also by whom and when kept, and if not, what kind of a description list or catalogue of them was retained before being issued.

Third, to procure, if practicable during this session of the legislature, the signature of each of said commissioners, who may have signed any of said bonds, to be preserved in manner as may be hereafter directed.

Mr. Harris, from the committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed bill of the Senate, to-wit:

No. 1, an act for the relief of Cecile Brandt; and find the same correctly enrolled.

Mr. Harris, from the committee on enrolled bills, reports:

Mr. President:

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed joint resolution of the House of Representatives, to-wit:

No. 53, a joint resolution relative to the contract with the Morris Canal and Banking Company, for rail road iron, made by the Fund Commissioner, Milton Stapp Esq;

And find the same truly enrolled.

The following message was received from the House of Representatives, by Mr. Hagar, their clerk:

Mr. President—

The Speaker having signed the following enrolled bill of the Senate, No. 1, an act for the relief of Mrs. Cecile Brandt,

And the enrolled joint resolution of the House of Representatives

No. 53, a joint resolution, relative to the contract with the Morris Canal and Banking Company for rail road iron, made by the Fund Commissioner, Milton Stapp;

I am directed by the House to bring the same to the Senate for the signature of the President thereof.

Said bills were so signed by the President.

Mr. Harris, from the committee on enrolled bills, reports:

Mr. President—

The joint committee on enrolled bills report that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following bill of the Senate, to-wit:

No. 1, an act for the relief of Cecile Brandt;

Also, the following joint resolution of the House of Representatives,

No. 53, a joint resolution relative to the contract with the Morris Canal and Banking Company for rail road iron, made by the Fund Commissioner, Milton Stapp, Esq.

On motion, the Senate adjourned.

WEDNESDAY MORNING, DEC. 23, 1840.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Hager, their Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate, that they have passed an engrossed bill of the Senate,

No. 11, an act to amend an act entitled an act to incorporate county libraries, approved Feb. 17, 1838;

Also, the following engrossed bills of the House:

No. 35, to amend an act entitled an act regulating the practice in chancery, approved Feb. 10, 1831;

No. 36, for the relief of the children of Walter Slawter, dec'd;

No. 37, to vacate the town plat of the village of Charlottesville, in Kosciusko county;

No. 42, for the relief of William Truelock;

No. 44, making contestors of elections liable for costs;

No. 48, to authorize the sale of certain school lands in the county of Jay;

No. 50, to amend an act entitled an act to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved Feb. 1, 1834;

In which the concurrence of the Senate is respectfully requested.

The bills named in the above message, were severally read the first time and passed to a second reading.

Mr. Watts from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture to which was referred a resolution to inquire into the expediency of reducing the tolls now allowed to the owners and occupiers of grist mills, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

The committee were so discharged, and,

On motion of Mr. Baird of St. Joseph, the resolution was re-committed to a select committee of Messrs. Baird of St. J., Ewing and Angle.

Mr. Wright from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred a resolution inquiring into the expediency of requiring prosecuting witnesses to pay costs in cases of misdemeanors when there is a failure of conviction, have had the same under consideration, and directed me to report that legislation upon this subject is inexpedient.

Which report was concurred in by the Senate.

On motion of Mr. Hargrove,

Resolved That the committee on education be instructed to inquire into the expediency of so amending the existing laws of this state, in relation to the surplus revenue of the United States, as to cause a foreclosure of mortgages, hereafter to be taken, to secure loans of said fund, where any borrower of said fund shall fail to pay the interest on any loan, as now required by law, or to pay the first and second instalments thereof when due and demanded by the agent; and also, into the propriety of authorizing the agents of said fund, to bid off in favor of the state, any mortgaged premises so sold where the same shall not otherwise sell for the full amount of such debt, interest and costs; with leave to report by bill or otherwise.

Mr. Cravens offered for adoption the following resolution:

Resolved. That the Board of Directors of the State Bank of Indiana be requested to inform the Senate whether they have or have not appointed a committee to attend on the present legislature of Indiana, with a view of advising with the members relative to their

legislation on the subject of the State Bank; and also to inform the Senate who the members of said committee are.

Mr. Herriott moved to amend by striking out from the resolving clause and inserting the following:

That the President and Directors of the State Bank be requested to appoint a committee to confer with the committee of the Senate on the State Bank and the committee on Finance, in reference to the important interests of the state in her financial concerns, and also the interest of the Bank.

A division being called for by Mr. Arion,

Mr. Thompson moved to lay the resolution and amendment on the table, and,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Blair, Everts, Ewing, Hackett, Hanna, Herriott, Hoover, McCord, Moffatt, Nave, Riley, Stafford, Test, Thompson, and Williams—21.

Those who voted in the negative were,

Messrs. Armstrong, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Foster, Hargrove, Harris, Kinzer, Lowe, Morgan, Mount, Nickel, Parker, Roberts, Stevenson, Tannehill, Watts, and Wright—24.

So said motion did not prevail.

Mr. Moffatt moved to indefinitely postpone the resolution and amendment.

The ayes and noes being demanded thereon;

Those who voted in the affirmative were,

Messrs. Angle, Baird of St. J., Beard of M., Bell, Blair, Everts, Ewing, Herriott, McCord, Moffatt, Nave, Riley, Stafford, Test and Williams—15.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Berry, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, Morgan, Mount, Nickel, Parker, Roberts, Stevenson, Tannehill, Thompson, Watts and Wright—30.

So said motion did not prevail.

The question being on striking out;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. J., Beard of M., Bell, Blair, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Nave, Riley, Stafford, Test and Williams—17.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Berry, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Morgan, Mount, Nickel, Parker, Roberts, Stevenson, Tannehill, Thompson, Watts and Wright—28.

So the motion to strike out did not prevail.

The question being on the adoption of the resolution, and,
The ayes and noes were ordered:

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Morgan, Mount, Nickel, Parker, Stevenson, Tannehill, Thompson, Watts and Wright—26.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. J., Beard of Mont., Bell, Blair, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Nave, Riley, Roberts, Stafford, Test and Williams—19.

So said resolution was adopted.

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Test proposed the following resolution:

Resolved, As the sense of this Senate, that in the present embarrassed condition of the State in her financial operations, and her indebtedness to the State Bank of Indiana to the amount of six hundred and ninety-two thousand four hundred and thirty five dollars, that we deem it inexpedient to connect said State Bank in any manner with our system of Internal improvements, or to compel said State Bank, for the purpose of obtaining a confirmation by the Legislature of her chartered privileges, to redeem the outstanding Treasury notes by the issue of small bills.

Mr. Eggleston moved to amend by striking out all after the resolving clause, and inserting the following:

That in the present embarrassed state of our finances, and taking into view our indebtedness to the State Bank of Indiana, it is expedient for the State, for the purpose of paying said Bank, to provide the most effectual means for said payment, on condition that the State Bank consent to such a modification of its charter, as would allow the State to tax the stock of the Bank not exceeding three per cent. on her stock, allowing her to increase the rate of her interest on discounts at a rate of per cent. of one half of the amount of the tax levied on the Bank stock.

Mr. Morgan moved to amend the proposed amendment, by striking out all after the word "*payment*."

During the pendency of which motion,

The Senate adjourned.

THURSDAY MORNING, DECEMBER 24, 1840.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Hager, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills thereof:

No. 51—To revive certain acts relative to a stay of execution;

No. 55—For the relief of John W. Cunningham, late collector of Putnam county;

In which the concurrence of the Senate is respectfully requested.

The bills mentioned in the above message were read the first time, and ordered to a second reading to-morrow.

The President laid before the Senate the following communication from the President of the State Bank, which was read:

To the Senate of the State of Indiana:

In answer to a resolution of the Senate of this day, requesting the Directors of the State Bank "to inform the Senate, whether they have or have not appointed a committee to attend on the present Legislature, with a view of advising with the members relative to their legislation on the subject of the Bank, &c." I have the honor to state that no such committee, as is referred to in the resolution of the Senate, has ever been appointed by the Directors of the State Bank.

In full explanation, however, of the action of the State Board at its recent session, and of any of the Directors being here, it is proper to say that Messrs. Joseph Orr, J. F. D. Lanier and D. Deming, were appointed to be here at such time as they might agree on, for the purpose in connection with the officers resident here, of conferring and corresponding with Banking institutions of other States as to the expected resumption of specie payments,—of making the necessary annual report to the Legislature—and of making application for the payment of the debt due to the branches from the State.

These were the only objects of the appointment referred to, and the sole reason of any application to the Legislature was, that it was deemed of vital importance in the early resumption of specie payments, that the amount due from the State should be realized.

I have the honor to be, &c.

S. MERRILL, President.

State Bank, Dec. 23, 1840.

Mr. Ewing moved to lay the communication on the table, and that 100 copies of the same be printed.

A division being called for by Mr. Armstrong, the report was laid on the table.

The question recurring on the motion to print,

It was decided in the negative.

The President laid before the Senate the following communication, from J. L. Williams, Esq., which was read, and,

On motion of Mr. Ewing,

Referred to the same committee to which was referred so much of the Governor's message as relates to the Wabash and Erie canal.

Indianapolis, December 22, 1840.

HON. SAMUEL HALL,

President of the Senate:

Sir,—The enclosed report is in reply to a resolution of the Senate. Please lay it before that body.

Very respectfully,

Your obedient servant,

J. L. WILLIAMS.

CHIEF ENGINEER'S OFFICE, }
Indianapolis, 22d Dec. 1840. }

To the Hon. Senate of Indiana:

The undersigned has received a copy of the resolution adopted by the Senate on the 21st instant, requesting to be informed "how many superintendents are employed on the Wabash and Erie canal, and the salaries or per diem allowance paid them."

As the most satisfactory reply to the resolution, I append a copy of an order recently adopted by the Board in relation to this subject.

Respectfully submitted,

J. L. WILLIAMS.

OFFICE OF BOARD OF INTERNAL IMPROVEMENT, }
December 7, 1840. }

The Board having under consideration the future care of the Wabash and Erie canal, from the State line to Lafayette, it is

Ordered, That the whole distance of 144 miles be divided into two superintendents divisions, dividing at Mr. Fisher's farm, five miles below Wabash town, and that O. Bird be appointed superintendent of the upper division, (in the place of J. Darrow resigned,) and R. Adams, of the lower division, whose duty it will be to travel over the line as frequently as time will allow, for the purpose of regulating the water, guarding against breaches, and promptly repairing them when they unavoidably occur, under the general advice of the Commissioner or Engineer, each to receive \$3 per day while actually employed, not to exceed \$1,000 per year, which is to cover all travelling and other expenses.

The following communication from the Secretary of State, was laid before the Senate, by the President,

Which was read, and,

On motion of Mr. Ewing, laid on the table.

OFFICE OF SECRETARY OF STATE, }
Indianapolis, December 24th, 1840. }

HON. SAMUEL HALL,

President of the Senate:

Sir: In answer to a resolution adopted on the 22d inst., calling on me to report the number and amount of State Bonds sold by the Fund Commissioners, together with several other items of information connected with the same subject, I beg leave respectfully to inform the Senate, that the information called for is not in my possession. The acts authorizing the issue and sale of State Bonds, does not require any record of them to be made in my office. Not being able to answer the interrogatories in said resolution, I have handed the same over to the Fund Commissioner, who has in his office the desired information.

I am, very respectfully,

Your obedient servant,

WM. J. BROWN,

Secretary of State.

The President also laid before the Senate the following communication, which was read and laid on the table:

To the Honorable Legislature of the State of Indiana,
at Indianapolis convened:

GENTLEMEN—

According to the requisition of the Leavenworth and Bloomington

rail-road act of incorporation, it becomes my duty to make the following report:

Since the last sitting of the Legislature, the company have neither received or expended any amount of money. The county commissioners of Crawford county and the citizens of the town of Leavenworth have appropriated sufficient funds to grade the river bank, and the road through the town, which is in progress.

We still have to regret taxation upon us, to pay for re-surveying and constructing many expensive and extensive Internal Improvements in the State, some of which are injurious to us, whilst we are left to make our own, without any State aid, all which we think oppressive.

SETH M. LEAVENWORTH,—Pres.

*State of Indiana, }
Posey County. } ss.*

Personally appeared before me the undersigned a justice of the peace in for said county, the above named S. M. Leavenworth, being duly sworn, saith that the foregoing report is true, as it respects receipts and expenditures of money, and further saith not.

J. B. GREEN, J. P.

Mr. Nickel presented the petition of William Osborn and others, praying for an act to vacate a certain State road, which was read and referred to the committee on roads.

Mr. Harris presented the petition of John Brookbank, praying for relief, was read and referred to a select committee of Messrs. Harris, Elliott, Hoover, and Wright.

Mr. Test, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred the petition of Peter Makowski praying the Legislature to pass an act to divorce him from his wife, have had said petition under consideration, and have instructed me to report, that they believe that the power to set aside marriage contracts, as well as all other contracts, belong exclusively to the judicial department;—that the constitution has conferred upon the Legislature no such power, and any act of theirs granting the prayer of the petitioner, would be null and void. That the statute relating to divorces is sufficiently broad to relieve all persons who may have just cause of divorce, so much so that sound policy, independent of the constitutional objection would forbid the interference of the Legislature in such cases. Wherefore said committee deem it inexpedient to legislate upon said petition, and request to be discharged from the further consideration thereof.

Mr. Baird of St. Joseph, moved to concur in the report, with an

amendment, by striking out that branch of it relating to the constitutionality of the Legislature acting in such cases.

Mr. Ewing moved to lay the report on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Bell, Dobson, Ewing, Foster, Hackett, Hanna, Hargrove, Herriot, Moffatt, Riley, Roberts, Tannehill, and Thompson—15.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Berry, Blair, Carr, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Harris, Hoover, Kinzer, Lowe, McCord, Morgan, Mount, Nave, Nickel, Parker, Stafford, Stevenson, Test, Watts, and Wright—26.

So said motion did not prevail.

Mr. Hanna moved to refer the report to the select committee, to which the petition of Nancy Day for a divorce, was referred.

Which motion did not prevail.

A division being called for, the question was taken on the motion to strike out, and, the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. J., Bell, Berry, Clark, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, Moffatt, Riley, Roberts, Tannehill, Thompson, and Watts—21.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Blair, Carr, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, McCord, Morgan, Mount, Nave, Nickel, Parker, Stafford, Stevenson, Test, Williams, and Wright—21.

The President voted in the negative, and the motion to strike out did not prevail.

The question now recurring on concurring with the report, and, the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Blair, Carr, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Hoover, McCord, Morgan, Mount, Nave, Nickel, Parker, Roberts, Stafford, Stevenson, Test, Williams, and Wright—23.

Those who voted in the negative were,

Messrs. Arion, Baird of St. J., Bell, Berry, Clark, Ewing, Foster,

Hackett, Hanna, Hargrove, Harris, Herriott, Kinzer, Lowe, Moffatt, Riley, Tannehill, Thompson, and Watts—19.

So said report was concurred in.

Mr. Angle, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the Senate, No. 14, amendatory of an act, entitled, an act relating to crime and punishment, approved Feb. 10, 1831, have had the same under their consideration, and have instructed me to report the same back to the Senate without amendment, and recommend its indefinite postponement.

Which report was concurred in by the Senate, and the bill indefinitely postponed.

Mr. Elliott, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred a bill of the Senate, entitled, No. 26, a bill for the relief of William H. Evans, have had the same under consideration, and instructed me to report it back to the Senate, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed for a third reading to-morrow.

Mr. Collins, from the judiciary committee made the following report:

MR. PRESIDENT—

The committee on the judiciary, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of providing by law for the enforcement of the payment of tolls on the public works of this State, have had the same under consideration, and have directed me to report the following bill:

No. 33, a bill to enforce the payment of tolls on the public works in Indiana, was read the first time and passed to a second reading.

Mr. Elliott, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred a bill of the House of Representatives, entitled,

No. 15, an engrossed bill for the relief of Benedict O'Neal, have had the same under consideration, and instructed me to report the same to the Senate without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to a third reading to-morrow.

Mr. Collins from the judiciary committee, made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred a resolution of the Senate directing them to inquire into the expediency of re-organizing the Probate Court System, either by organizing a Circuit Probate or Surrogate System, or by abolishing the present system and transferring all the powers and duties thereof to the Circuit Courts in the respective circuits, have had that matter under their consideration, and have directed me to report to the Senate, that in their opinion it is inexpedient to legislate on the subject matter thereof at present;

Which report was concurred in by the Senate.

The resolution offered by Mr. Test, and the amendments, which were under consideration when the Senate adjourned on yesteday, was again resumed.

Mr. Lowe moved to postpone the further consideration of the resolution, till two o'clock P. M.

Which was not agreed to.

Mr. Arion moved a call of the Senate.

Mr. Harris asked and obtained leave of absence for Mr. Chamberlain.

On motion of Mr. Armstrong, the call of the Senate was suspended.

On motion, the Senate adjourned.

2 o'clock P. M.

Senate Assembled.

The subject pending when the Senate adjourned, was resumed.

Mr. Arion moved to postpone the further consideration of the resolution to Wednesday next.

On motion of Mr. Elliott, the resolution and amendments were laid on the table.

Mr. Ewing offered the following resolution:

Resolved, That the committee upon finance be instructed to inquire into the expediency of permitting the borrowers of the Sinking Fund to renew their loans, upon giving ample freehold security, to the satisfaction of the Commissioners of the Sinking Fund, for two years more, upon condition that they pay in advance ten per cent. thereof, and a further ten per cent. thereof in 12 months, with interest as heretofore, and in anticipation thereof, the commissioners of the Sinking Fund be authorized to loan of the State Bank \$100,000, and deposit the same with the Treasurer of State, who shall execute therefor bonds of the State, bearing 6 per cent. interest, redeemable in five years, and payable to the said commissioners of said Sinking Fund;

Which was not adopted.

On motion of Mr. Baird of St. Joseph,

Resolved, That the Board of Internal Improvements be requested to lay before this Senate any information in their possession of the tolls received on the New Albany and Vincennes McAdamized road, and how the same have been applied.

Also, to communicate to this Senate any information in their possession of tolls received upon the southern end of the Central Canal, which lies between the Pigeon feeder and Evansville, and how they have been applied; together with any further information they may have upon the above subject.

Mr. Parker, from the Judiciary Committee, made the following report, on leave being granted:

Mr. PRESIDENT—

The standing committee on the Judiciary, have, agreeably to order, had under consideration bill No. 25 of the Senate, and have directed me to report the same back to the Senate, and recommend that said bill be struck out from its enacting clause, and the insertion instead thereof, the substitute which is herewith reported.

The report was concurred in, and the bill, No. 25, ordered to be engrossed for a third reading.

Mr. Collins introduced bill No. 34, to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838.

Read the first time and passed to a second reading.

Mr. Moffatt introduced a bill, No. 35, for the relief of Menter S. Johnson, collector of Clay county;

Read the first time and passed to a second reading to-morrow.

Mr. Harris made the following report, on leave being granted:

Mr. PRESIDENT:

The select committee to whom was referred the petition of John Brookbank of Carroll county, have had the same under consideration, and have directed me to report the following bill for the relief of the said petitioner;

Bill No. 36, for the relief of John Brookbank;

Read the first time, and

On motion of Mr. Harris the rule was suspended, and the bill read a second and third time and passed.

ORDERS OF THE DAY.

Bill No. 23, of the Senate, to vacate the town of Harrison in Delaware county;

Read the third time and passed.

Bill of the House No. 20, an engrossed bill to authorize the Board

of Commissioners, and Probate Court of Jackson county, to hold the sessions of their respective courts in the clerk's office of said county;

Read a second time and ordered to a third reading on to-morrow.

Bill No. 21 of the House, to incorporate the Owen county Band of Gosport;

Read a second time and ordered to a third reading to-morrow.

Engrossed bill No. 22 of the House, to provide for a more uniform mode of doing township business in the county of Elkhart;

Read a second time and passed to the third reading.

Bill No. 23 of the House, to amend an act entitled an act providing for the recording of mortgages on personal property;

Read the second time and referred to the judiciary committee.

Bill No. 24 of the House, to amend the practice in suits in chancery,

Read a second time and referred to the judiciary committee.

Bill No. 29 of the House, to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, Dekalb and Noble;

Read a second time and ordered to a third reading on to-morrow.

Bill No. 34 of the House, repealing so much of an act, approved February 24, 1840, as relates to Union county;

Read the second time and passed to a third reading.

Bill No. 30 of the Senate, to amend an act entitled "an act regulating grist mills and millers," approved February 10, 1831;

Read the second time and passed to a third reading.

Bill No. 31, of the Senate, to authorize the Governor of this State to order a special election for representatives in Congress;

Read a second time and referred to the judiciary committee.

Bill No. 32, of the Senate, to repeal the 14th section of an act relating to public roads and highways, passed Feb. 17, 1838;

Read the second time and referred to the standing committee on roads.

Bill No. 35, of the House, to amend an act entitled an act regulating the practice in chancery, approved February 10th, 1831;

Read the second time and referred to the judiciary committee.

Bill No. 36, of the House, to relieve the children of Walter Slaugher;

Read the second time.

Mr. Nave moved to commit the bill to the judiciary committee, Which was not agreed to.

The question was taken on ordering the bill to a third reading, and determined in the negative.

Mr. Lowe moved to reconsider the vote taken on ordering the bill to a third reading, which motion prevailed, and on his motion it was then laid on the table.

Bill No. 37, of the House, to vacate the town platt of the village of Charlottesville in Kosciusko county, Indiana;

Read the second time and passed to a third reading.

Bill No. 42, of the House, for the relief of William Truelock;

Read the second time and ordered to a third reading.

Bill No. 44, of the House, making contestors of elections liable for costs;

Read a second time and referred to the standing committee on elections.

Bill No. 48, of the House, to authorize the sale of certain school lands in the county of Jay;

Read the second time and passed to a third reading.

Bill No. 50, of the House, an act to amend an act entitled, an act to amend and revise the act entitled an act to incorporate the several townships in Dearborn county, approved Feb. 1st, 1834.

Read a second time,

And on motion of Mr. Watts, referred to the committee on corporations.

Mr. Watts, having obtained leave, presented the petition of Stephen D. Ludlow and others, which was read, and

On motion of Mr. Watts, was referred to the committee on roads.

Mr. Ewing offered for adoption the following resolution:

Resolved, That the Chief Engineer be requested to furnish the Senate with the following information in relation to the Michigan and Erie Canal: 1st, The amount of money expended thereon, and the amount yet required to finish that part of it from the *Summit Feeder* to the junction with the Wabash and Erie Canal; the length of this part; how far finished or partly constructed; the country it would accommodate, if so finished; and the probable tolls to be collected on this southern division.

2d, The ready value of the water power it would furnish, and if not constructed, whether all the water power already sold at the city of Fort Wayne, will not be destroyed by reason of the water from the Little St. Joseph river, being insufficient fully to supply the Wabash and Erie Canal, and fill the Ohio reservoir.

3d, And whether the supply of water from the foregoing named portion of the Michigan and Erie Canal, would not be of great and necessary service, in securing beyond a doubt, a full supply of water at all times, for the Wabash and Erie Canal, and the Ohio Reservoir now constructing, near our eastern line, to supply from thence to the Auglaze river.

Mr. Cravens moved to strike out so much of the resolution as calls for the opinion of the Chief Engineer.

Which was agreed to.

On motion of Mr. Watts, the resolution was referred to the committee on modification.

Mr. Williams made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did on this day compare the enrolled with the engrossed bills of the Senate, entitled as follows, and find the same correctly enrolled, to-wit:

No. 8, an act fixing the times of holding the probate courts of Marion county, and for other purposes;

No. 11, a bill to amend the act entitled an act to incorporate county libraries, approved Feb. 17th, 1838.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills of the Senate;

No. 8, an act fixing the times of holding the probate courts in Marion county, and for other purposes;

No. 11, an act to amend the act entitled 'an act to incorporate county libraries, approved February, 17, 1838;'

I am directed to bring the same to the Senate, for the signature of the President thereof.

The President signed said bills.

Mr. Harris, from the committee on enrolled bills, made the following reports:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following enrolled bill and enrolled joint resolution of the Senate with the engrossed bill and engrossed joint resolution thereof, to-wit:

No. 5, an act to repeal an act entitled an act to provide for a more uniform mode of doing township business in Randolph county, approved January 21st, 1839;

No. 21, a joint resolution of the General Assembly of the State of Indiana in relation to the selection of lands for the Wabash and Erie Canal;

No. 5, an act to repeal an act entitled "an act to provide for a more uniform mode of doing township business in Randolph county," approved Jan. 21st, 1839.

Also, the following enrolled with the engrossed bills of the House of Representatives, to-wit:

No. 6, an act to vacate a part of the town of Kirklin in Clinton county;

No. 7, an act to appropriate a part of the three per cent. fund belonging to Greene county to purposes therein named;

No. 17, an act to provide for the mode of doing township business in the county of Miami;

And find that the same have been correctly enrolled.

The following message was received from the House of Representatives, by a member:

Mr. President—

The Speaker having signed the following enrolled bills of the Senate:

No. 21, a joint resolution of the General Assembly of the State of Indiana, in relation to the selection of lands for the Wabash and Erie Canal;

No. 5, an act to repeal an act entitled an act to provide for a more uniform mode of doing township business in the county of Randolph, approved Jan. 21st, 1839.

Also, the following enrolled bills of the House:

No. 7, an act to appropriate a part of the 3 per cent. fund belonging to Green county to purposes therein named;

No. 6, an act to vacate a part of the town of Kirklin, in Clinton county;

No. 17, an act to provide for the mode of doing township business in Miami county.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

Mr. Williams made the following report:

Mr. President—

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature the following bills of the Senate, to-wit:

No. 8, an act fixing the times of holding the probate courts of Marion county, and for other purposes;

No. 11, a bill to amend the act entitled an act to incorporate county libraries, approved Feb. 17th, 1838;

No. 5, an act to repeal an act entitled an act to provide for a more uniform mode of doing township business in the county of Randolph, approved January 21st, 1839.

No. 6, an act to vacate a part of the town of Kirklin, in Clinton county;

No. 7, an act to appropriate a part of the three per cent. fund belonging to Green county to purposes therein named;

No. 17, an act to provide for the mode of doing township business in Miami county;

No. 21, a joint resolution of the General Assembly of the State of Indiana in relation to the selection of lands, for the Wabash and Erie Canal.

The Senate adjourned.

FRIDAY MORNING, DEC. 25, 1840.

Senate assembled.

Mr. Berry moved that there be a call of the Senate;

Which motion prevailed, and on calling the roll, the following members were present and answered to their names, viz:

Messrs. Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Morgan, Mount, Nave, Parker, Riley, Tannehill, Test, Thompson, Watts, Williams, and Wright.

There being a quorum present, further proceedings on the call were suspended.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

Mr. President—

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill of the Senate:

No. 15, an act regulating the jurisdiction of justices of the peace in Fountain county.

Also, the following bills of the House:

No. 13, a bill to extend the time of final payment to purchasers of the 16th sections;

No. 19, a bill extending the time of payment to borrowers of the sinking, college, and saline funds, and of the surplus revenue.

No. 63, a bill to authorize the commissioners of Dubois county to levy a tax, ad valorem, for certain purposes therein named;

No. 66, a bill for the relief of the trustees of the Methodist Episcopal church, in the town of Columbus in Bartholomew county;

No. 67, a bill for the relief of the collector of the county revenue for Spencer county,

In which the concurrence of the Senate is respectfully requested.

Bills of the House accompanying said message, Nos. 13, 19, 63, and 66, were severally read the first time and passed to a second reading to-morrow;

Bill No. 67, of the House, accompanying said message was read the first, second, and third times, the rules having been suspended on motion of Mr. Thompson, and passed.

Mr. Harris presented a memorial to the General Assembly from General Samuel Milroy, Indian Agent, on the subject of protecting the Miami Indians from frauds practiced upon them, which was read and referred to the judiciary committee.

Mr. Test offered the following resolution:

Mr. President—

The Speaker having signed the following enrolled bills of the Senate:

No. 21, a joint resolution of the General Assembly of the State of Indiana, in relation to the selection of lands for the Wabash and Erie Canal;

No. 5, an act to repeal an act entitled an act to provide for a more uniform mode of doing township business in the county of Randolph, approved Jan. 21st, 1839.

Also, the following enrolled bills of the House:

No. 7, an act to appropriate a part of the 3 per cent. fund belonging to Green county to purposes therein named;

No. 6, an act to vacate a part of the town of Kirklin, in Clinton county;

No. 17, an act to provide for the mode of doing township business in Miami county.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

Mr. Williams made the following report:

Mr. President—

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature the following bills of the Senate, to-wit:

No. 8, an act fixing the times of holding the probate courts of Marion county, and for other purposes;

No. 11, a bill to amend the act entitled an act to incorporate county libraries, approved Feb. 17th, 1838;

No. 5, an act to repeal an act entitled an act to provide for a more uniform mode of doing township business in the county of Randolph, approved January 21st, 1839.

No. 6, an act to vacate a part of the town of Kirklin, in Clinton county;

No. 7, an act to appropriate a part of the three per cent. fund belonging to Green county to purposes therein named;

No. 17, an act to provide for the mode of doing township business in Miami county;

No. 21, a joint resolution of the General Assembly of the State of Indiana in relation to the selection of lands, for the Wabash and Erie Canal.

The Senate adjourned.

FRIDAY MORNING, DEC. 25, 1840.

Senate assembled.

Mr. Berry moved that there be a call of the Senate;

Which motion prevailed, and on calling the roll, the following members were present and answered to their names, viz:

Messrs. Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Morgan, Mount, Nave, Parker, Riley, Tannehill, Test, Thompson, Watts, Williams, and Wright.

There being a quorum present, further proceedings on the call were suspended.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

Mr. President—

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill of the Senate:

No. 15, an act regulating the jurisdiction of justices of the peace in Fountain county.

Also, the following bills of the House:

No. 13, a bill to extend the time of final payment to purchasers of the 16th sections;

No. 19, a bill extending the time of payment to borrowers of the sinking, college, and saline funds, and of the surplus revenue.

No. 63, a bill to authorize the commissioners of Dubois county to levy a tax, ad valorem, for certain purposes therein named;

No. 66, a bill for the relief of the trustees of the Methodist Episcopal church, in the town of Columbus in Bartholomew county;

No. 67, a bill for the relief of the collector of the county revenue for Spencer county,

In which the concurrence of the Senate is respectfully requested.

Bills of the House accompanying said message, Nos. 13, 19, 63, and 66, were severally read the first time and passed to a second reading to-morrow;

Bill No. 67, of the House, accompanying said message was read the first, second, and third times, the rules having been suspended on motion of Mr. Thompson, and passed.

Mr. Harris presented a memorial to the General Assembly from General Samuel Milroy, Indian Agent, on the subject of protecting the Miami Indians from frauds practiced upon them, which was read and referred to the judiciary committee.

Mr. Test offered the following resolution:

Resolved, That when the Senate adjourns it will adjourn until to-morrow morning at the usual hour.

Mr. Hanna moved to amend by striking out "to-morrow morning," and inserting "Monday morning,"

Which motion did not prevail.

The resolution was then agreed to.

Mr. Wright made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred the following resolution:

Resolved, That the judiciary committee inquire into the expediency of so amending an act subjecting "real and personal estate to execution" that the person entering himself replevin bail or security for the stay of execution in case of payment, can have execution against the principal debtor to make the amount of such judgment, costs, and interest, with instructions to report by bill or otherwise,

Have had the same under consideration and would report the following bill, and recommend its passage:

Bill No. 37, to amend an act entitled, an act subjecting real and personal estate to execution," approved February 4, 1831, referred to in said report, was read the first time and ordered to a second reading to-morrow.

Mr. Carnan made the following report:

MR. PRESIDENT:

The standing committee on the judiciary, to whom was referred bill of the Senate, No. 20, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its indefinite postponement.

The report was concurred in, and the bill was indefinitely postponed.

Mr. Thompson made the following report, which was read and laid upon the table, viz:

MR. PRESIDENT:

The committee on education, to whom was referred so much of the Governor's Message as recommends the withdrawal from the counties and converting of the two first instalments of the Surplus Revenue into Bank stock, and that the interest thereon be taken from the support of common schools and appropriated to the payment of interest on State debts, have, after due reflection and consideration, instructed me to report:—

That it would be as discreditable as unjust to withdraw this pitance, which has been appropriated to the respective counties for the support of common schools.

A system of education, by which the rising generation can become

enlightened, and learn correctly to estimate the blessings of civil liberty, has been the chief concern of all good and enlightened men in every age and country. The advocates of human liberty have universally insisted that it is the only policy by which a government guaranteeing equal rights to the rich and poor, can be rendered permanent, and enabled to withstand the assaults and intrigues of designing men of lawless ambition, whose chances for office and promotion chiefly depend upon the ignorance and credulity of the mass of the people.

That the permanency of our free institutions depend upon the people correctly understanding them, who will deny? How, then, can Legislators, who profess earnestly to desire the moral, religious, and intellectual advancement of the whole human family, withhold, or as with a sacrilegious hand, attempt to wrest this small sum, which a former Legislature (be it said to its credit,) have so laudably appropriated for common school education.

The stability of our republic, self-interest, our happiness and prosperity—indeed all the best feelings of our nature—our parental solicitude for the poor and fatherless children of our country, and the Constitution of Indiana, expressly demand that a system of common school education shall be established, and the means furnished for its support. For one who has filled an exalted station, to express his admiration and desire for a common school education, and, in the same breath, to recommend to the Legislature to divert the interest of the two first instalments of surplus revenue from the support of common schools to the payment of interest on internal improvement debts of almost countless thousands, are gross inconsistencies we confess, which cannot be reconciled.

It may be that the education of our children, and especially the poor and friendless orphan to whom we are commanded to be as a father, is, in the estimation of some men, of minor importance to the construction of a rail road or canal. But every Philanthropist smiles and feels cheered at the moral, religious, and intellectual advancement of his fellow beings, and truly sympathises for the misfortunes of others, and delights to extend a helping hand to the poor or fatherless child. They contend for a system of education by which the poor, alike with the rich, can be enlightened, and learn that they have equal rights to correctly estimate those natural and civil rights, and enabled to advocate and defend them.

Truly may it be said that upon the wisdom and knowledge of the people depend the existence of our republic. Shall we, then, neglect the education of those into whose hands the government of this great nation is to be confided? When the people correctly understand the principles and structure of a government which secures to them all the rights of man, they will correctly appreciate that government; no sacrifice will be too great to render it as lasting as time, whilst it affords protection and dispenses its benefits to all alike.

Are not our children in part public property? Shall we neglect their education, and raise them in heathenish ignorance, utterly una-

ble even to read Divine revelation, merely to divert their little means to internal improvement purposes? Justice and the best interest of the State forbid it—the people are opposed to it—our consciences would reproach us, and our children should upbraid us, as Legislators, devoid alike of the feeling of fathers, and indifferent to the future prosperity of the country. And it is worthy of consideration, whether you can recall, if you are so disposed, those two instalments. The money has, in many instances, been loaned in small sums, and expended in the purchase of land, and the accruing interest expended in learning little children to read and write; to snatch this pittance from them, and thereby leave them in heathenish darkness, would be as unwise, and as ungenerous, as to take the bread from their mouths, and which, your committee are persuaded, would cause great discontent and murmuring among the people.

No doubt many loans have been made upon insufficient security. Your committee will suggest the policy of extending the time of payment upon ample freehold security, being for the ultimate payment, and such rate of interest as the Legislature at its present session may require; and, inasmuch as a bill somewhat embracing the above provisions has been introduced, your committee respectfully recommend, that this resolution and report be laid upon the table.

Mr. Thompson also made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a petition of Josiah Grover, and a number of other citizens of Noble township, in Laporte county, for certain amendments to our school laws, as will fully appear in said petition appended to this report, have, after due deliberation, instructed me to report, that it is inexpedient to legislate upon that subject, and ask to be discharged from its further consideration; which was concurred in and the committee was discharged.

Mr. Eggleston made the following report:

MR. PRESIDENT—

The committee on corporations, to whom was referred a bill of the Senate, No. 24, entitled, a bill to incorporate St. Gabriel College, have had the same under consideration, and have directed me to report it back to the Senate without amendment, and recommend its passage.

The bill referred to in said report, was then ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Baird of St. Joseph,

Resolved, That the Board of Internal Improvement be requested to report to the Senate whether there is any indispensable necessity for continuing a superintendent on the New Albany and Vincennes McAdamized road, at a salary of \$400 per annum; and whether there

is a necessity to continue the superintendent on the southern end of the Central Canal, at \$200 per annum; and whether the Beard could not well superintend the works without incurring such an expense to the State.

On motion of Mr. Harris,

Resolved, That the Commissioner of the Wabash and Erie canal be instructed to report to the Senate, whether, in his payments to contractors on the Wabash and Erie canal, for work done during the last summer, he regarded the steam-boat lock near Delphi, as a part of said canal; and if not, what reasons induced him to refuse recognizing said lock as constituting a part of said canal.

The following message was received from the Governor, by Mr. Moore, his private secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate, that on Tuesday the 22d instant, he approved and signed a bill, entitled "an act for the relief of Mrs. Cecil Brandt."

And that on this day he has approved and signed bills of the titles following, to wit:

An act to amend an act, entitled, "an act to incorporate county libraries," approved Feb. 17, 1838.

An act to repeal an act, entitled, "an act to provide for a more uniform mode of doing county business, in the county of Randolph," approved Jan. 21, 1839.

An act fixing the times of holding the Probate Courts in Marion county, and for other purposes.

And also a joint resolution, entitled, "a joint resolution of the General Assembly of the State of Indiana, in relation to the selection of lands for the Wabash and Erie canal." All of which originated in the Senate.

And then the Senate adjourned.

SATURDAY MORNING, Dec. 26, 1840.

The Senate assembled.

Mr. Chamberlain, on leave granted, introduced the following resolution:

Resolved, That when the Senate next adjourns it will adjourn to Monday morning next;

Which was adopted.

Mr. Wright presented the petition of J. M. Dunn and others, citizens of Cass county, praying the passage of a law declaring females competent to convey and release dower at the age of eighteen years;

Which was read and referred to the judiciary committee.

Mr. Thompson, from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred a bill of the Senate, No. 27, entitled a bill concerning sales of land on execution, have, after due examination of its provisions, instructed me to make two amendments, to-wit:

Strike out the 1st and 2d sections;

To which the concurrence of the Senate is respectfully requested.

On motion of Mr. Test the report and bill were laid upon the table.

The orders of the day were now taken up, and the Senate proceeded to the consideration of bills on their third reading.

Bills of the Senate of the following titles were read a third time and passed, viz:

No. 24, to incorporate the Saint Gabriel College;

No. 25, to amend an act entitled an act subjecting real estate to execution, approved Feb. 4, 1831;

No. 26, for the relief of William H. Evans;

No. 30, to amend an act entitled an act regulating grist mills and millers, approved Feb. 10, 1831.

Bills of the House of Representatives of the following titles were read a third time and passed, viz:

No. 15, for the relief of Benedict O'Neal;

No. 20, authorizing the Board of Commissioners and Probate Court of Jackson county to hold the sessions of their respective courts in the Clerk's office of said county;

No. 21, to incorporate the Owen county Band of Gosport;

No. 22, to provide for a more uniform mode of doing township business in the county of Elkhart;

No. 29, to provide a more uniform mode of doing township business in the counties of Lagrange, Steuben, DeKalb and Noble;

No. 34, repealing so much of an act approved Feb. 24, 1840, as relates to Union county;

No. 37, to vacate the town plat of the village of Charlottsville, in Kosciusko county; and,

No. 42, for the relief of William Truelock;

Ordered, That the Secretary inform the House of Representatives thereof.

Bill of the House of Representatives, No. 48, to authorize the sale of certain school lands in the county of Jay, was read the third time, and,

On motion of Mr. Thompson, re-committed to the committee on education.

The Senate next proceeded to the consideration of bills on their second reading.

Bill of the Senate No. 33, to enforce the payment of tolls on the public works in Indiana, was read the second time, and ordered to be engrossed for a third reading on Monday next.

Bill of the Senate No. 34, to amend an act entitled, "an act regulating the jurisdiction of Justices of the Peace," was read the second time, and,

On motion of Mr. Beard of St. Joseph, referred to the judiciary committee.

Bill of the Senate No. 35, for the relief of Mentor Johnson, Collector of Clay county, was read the second time, and ordered to be engrossed and read a third time on Monday next.

Bill of the Senate No. 37, to amend an act entitled, "an act subjecting real and personal estate to execution;" approved February 4, 1831, was read the second time and ordered to be engrossed and read a third time on Monday next.

Bill of the House of Representatives No. 51, to revive certain acts relative to a stay of execution, was read the second time, and,

On motion of Mr. Chamberlain, referred to the judiciary committee.

Bill of the House of Representatives No. 55, for the relief of John Cunningham, late Collector of Putnam county, was read the second time, and,

On motion of Mr. Watts, referred to the committee on finance.

Bill No. 66 of the House of Representatives for the relief of the Trustees of the Methodist Episcopal Church in the town of Columbus, in the county of Bartholomew, was read the second time and ordered to a third reading on Monday next.

Bill of the House of Representatives No. 19, to extend the time of final payment to borrowers of the Sinking, College, and Saline Fund, and Surplus Revenue, was read the second time.

Mr. Nave moved to amend the bill by striking it out from the enacting clause, and inserting in lieu thereof the following:

Sec. 1. That the time of final payment be, and the same is hereby extended to the several *borrowers* of the Sinking, College, Saline, and School Funds and to the *borrowers* of the surplus revenue for two years from and after the first day of January, eighteen hundred and forty-one on condition that they will severally secure the payment of said sums of money, by mortgage on real estate where the same is not already secured by such security and pay the interest already accrued thereon; and on the further condition, that they will also severally undertake and agree to pay over and above the rate of interest now allowed by existing laws; five per cent. in damages for the use of the attorney, provided said sum or sums of money shall not be paid without suit thereon in a court having jurisdiction thereof, nothing in this act shall be so construed as to prevent the payment of the interest hereafter to accrue on said loans annually in pursuance of the several laws now in force on that subject.

Sec. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Before the question was taken on the motion, the bill and proposed amendment were, on motion of Mr. Nave, laid on the table.

Bill of the House of Representatives No. 13, to extend the time of final payment to purchasers of the 16th sections; was read the second time, and,

On motion of Mr. Thompson, referred to the committee on education.

Bill of the House of Representatives No. 63, to authorize the county of Dubois to levy a tax ad valorem for certain purposes therein named, was read the second time, and ordered to be read a third time on Monday next.

The Senate having gone through the orders of the day,

On motion, adjourned.

MONDAY MORNING, DEC. 28, 1840.

The Senate assembled.

Mr. Mount presented the petition of Thomas Murphy, praying for relief;

Which was read and referred to the committee on claims.

Mr. Ewing, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee upon the judiciary to whom was referred a resolution of the Senate in relation to requiring county commissioners to enter into bond and security, have had the same under consideration, and have instructed me to report, that in the opinion of the committee it is inexpedient to legislate upon that subject.

The report was concurred in.

Mr. Thompson, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the following resolution, viz:

"Resolved, That the committee on education be instructed to inquire into the expediency of applying for purposes of general education in this state, all such fees as have been or which may hereafter be received by the following named officers, viz: Clerks of the Supreme, District, Circuit, Probate courts and justices of the peace and attorneys' docket fees in this state, by virtue of their respective offices,

which have not or which may not be demanded of said officers for two years from and after the time of their receiving the same, by the person or persons entitled to demand and receive said fees, with leave to report by bill or otherwise;" have after due consideration, instructed me to report the following bill:

No. 38, entitled a bill further to regulate the duties of clerks, justices of the peace and school commissioners.

The report was concurred in, and the bill read the first time and passed to a second reading to-morrow.

The following message was received from the House of Representatives, by Mr. Hager their Clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate:

No. 18, an act to extend the provisions of certain acts therein named, to the county of Grant;

Also the following bills of the House:

No. 59, a bill to incorporate the Madison Law Library Society;

No. 69, a joint resolution relative to the Sub-Treasury bill;

No. 73, a bill for the preservation of sheep;

In which the concurrence of the Senate is respectfully requested:

Bill No. 59 and joint resolution No. 69 named in the above message, were read the first time and passed to second reading to-morrow.

Bill No. 73, named in the above message, was read the first time, and,

On motion of Mr. Armstrong, the rule was suspended, the bill was read the second time and referred to the committee on modification.

On motion of Mr. Everts, it was

Resolved, That the committee on education be instructed to inquire into the propriety of so amending the school law, as to make it the duty of clerks of school districts in each township, to make out their lists of the number of children in their several districts, between the age of five and twenty-one years, and hand it over to the township treasurer on or before the first of March in every year, which shall form the date by which he shall be governed in making a dividend in all moneys that shall be paid or due the township for the succeeding year from that date, and an order signed by the District Trustees of any district in any township, in favor of any treasurer, setting forth that such teacher has taught a school in their district at least 3 months in the year last preceding the date of such order, he, she, or they, in whose favor such order is drawn, shall be entitled to receive the amount of said order, if there be so much in the hands of said treasurer, belonging to such district; but, in no case shall it be lawful for the township treasurer to pay over any part of the moneys

set apart for any one district, to any other district: *Provided however*, that if the clerk of any district shall fail to send in a list of the number of children in his district at the proper time, such district shall forfeit its right to any part of the moneys due to the township for that year; and the dividend shall be made in the same manner as though no such district had existed.

Mr. Ewing offered the following resolution:

Resolved, That the committee upon finance be instructed to inquire into the expediency of collecting two hundred thousand dollars of the Sinking fund.

Mr. Thompson moved to amend by adding, "for the purpose of distributing among the several counties of the State for purposes of education;" which was not agreed to,

And the resolution was adopted.

Mr. Everts introduced bill No. 39, to amend an act entitled "an act regulating the practice in suits at law," approved, January 29, 1831; which was read the first time and passed to a second reading.

Mr. Hargrove introduced bill No. 40, to incorporate the Princeton Musical Institute, was read the first time and passed to a second reading.

Mr. Everts introduced bill No. 41, to amend an act entitled "an act relating to evidence," approved February 17, 1838, was read the first time and passed to a second reading.

Mr. Williams moved to reconsider the vote on concurring in the report from the judiciary committee on the resolution of Mr. Herriott on the subject of requiring county commissioners to give bond.

The motion prevailed.

Mr. Williams then moved to re-commit it to the committee on finance, with the following instructions:

To report a bill requiring said commissioners to give bond conditioned that they shall perform their duties generally, and levy a tax for state and county purposes according to law, or report some remedy the more effectually to insure and secure a levy of said tax;

Which motion prevailed, and the resolution was so referred.

ORDERS OF THE DAY.

Bill No. 33, of the Senate, to enforce the payment of tolls on public works in Indiana, was read the third time;

Bill No. 35, for the relief of Menter L. Johnson, collector of Clay county;

Was read the third time, and

On motion of Mr. Beard of Montgomery, laid on the table;

Bill No. 37, of the Senate, to amend an act entitled, an act subjecting real and personal estate to execution, approved February 4th, 1831,

Was read the third time and passed.

Bill No. 63, of the House, to authorize the commissioners of Du-

bois county to levy a tax, ad valorem, for certain purposes therein named,

Was read the third time and passed.

Bill No. 66, of the House, for relief of the trustees of the Methodist Episcopal church in the town of Columbus, in the county of Bartholomew,

Was read a third time and passed.

On motion of Mr. Harris,

Bill No. 12, to repeal certain acts therein named, was taken from the table, and ordered to be engrossed and read the third time tomorrow.

Mr. Ewing, on leave being granted, introduced

Bill No. 42, for the relief of contractors on the Wabash and Erie Canal, and for other purposes;

Which was read the first time, and passed to a second reading tomorrow.

Mr. Collins, leave being granted, presented the petition of Chancey C. Smith and others, relative to the New-Albany and Vincennes turnpike;

Which was read and referred to the committee on canals and internal improvement.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from the Chief Engineer of the State of Indiana, which was read, and on motion of Mr. Chamberlain, laid on the table:

INDIANAPOLIS, Dec. 28, 1840.

HON. SAMUEL HALL,

President of the Senate:

SIR: Please lay before the Senate the enclosed report and oblige:

Yours respectfully,

J. L. WILLIAMS.

CHIEF ENGINEER'S OFFICE,
Indianapolis, Dec. 24, 1840. }

To the Hon. Senate of Indiana:

The undersigned has received a resolution adopted by the Senate on the 21st instant in the following words to-wit:

"*Resolved*, That the Chief Engineer be requested, without unnecessary delay, to lay before the Senate an answer to the resolutions, relative to the Erie and Michigan canal and the Wabash and Erie

canal, adopted by the Senate at the last session thereof, on the 23d day of January, 1840, which resolutions he has hitherto neglected to answer."

Before proceeding with the answer, I consider it due to the Senate and to myself to say in regard to the delay, that the resolution of the last session was adopted after I had left this place for the seat of government of Ohio, which I visited by order of the Legislature in reference to the progress of the Wabash and Erie Canal; and that I did not return from this mission in time to prepare an answer to the resolution, covering, as it does, so wide a range. Supposing that the object of the inquiry had passed away with the close of the session, it did not occur to me that an answer at the present session would be expected. I may have fallen into this mistake the more readily from the fact that no copy of the resolution of the last session was ever furnished me.

Finding no copy of the resolution of 23d January last on my file of calls for information, I have examined the printed Journal of the Senate in which I find on page 202, a resolution adopted on motion of Mr. Chamberlain, which I suppose is the one to which an answer is requested. It is in the following words:

"Resolved, That the Chief Engineer be requested, without unnecessary delay, to lay before the Senate a statement showing the 'usual quantity' of water deemed necessary to supply a canal of the dimensions of the Wabash and Erie Canal west of Fort Wayne; also what quantity of water will be required per mile per minute to supply a canal of the dimensions of the Wabash and Erie canal east of Fort Wayne; and also, whether in making the calculation of 52 feet per minute per mile, in his communication to R. Dickerson, Esq. acting Commissioner, Ohio division Wabash and Erie Canal, of August 1, 1839, any allowance has been made for the increased consumption of water which will be occasioned by the 'unusual' size of the canal between Fort Wayne and the State line; and if not, what deductions should be made from the quantity of water available at the St. Josephs feeder, for navigation, on account of the increased dimensions of that part of said Canal."

"And also, what quantity of water may be derived from the *Erie and Michigan Canal*, upon its completion from the feeder to Fort Wayne, over and above what the consumption of said Canal will require.

"And also, if the waters of the Little St. Josephs be used to supply the proposed reservoir in Ohio, referred to in said communication, what effect will the increased current have upon the navigation east of Fort Wayne; and what quantity of water will be required to supply said reservoir per annum, including the usual allowance for leakage and evaporation."

"And also, to state whether any alterations have been made in the plan of the Erie and Michigan Canal or its feeder: with the view principally of supplying the Wabash and Erie Canal east of Fort Wayne with water; and if so, what these alterations have been, and what ef-

fect such alterations of said feeder will produce upon its navigation, on account of its diminished size and increased current; and whether said alterations are necessary, and if so, why?

"And also, in case Ohio persists in the adoption of 'the high level,' on what source will Indiana principally rely for a supply of water for the additional quantity in that event required if 'she takes upon herself the care and responsibility of filling' said reservoir. And also in case the Wabash and Erie Canal should be completed 'to the state line by May or June next' as is in the aforesaid communication contemplated, and Ohio should immediately complete her portion thereof, what probable sacrifice of interest would Indiana annually sustain on account of said deficiency of water during the supposed period annually of 120 days."

"And also what would be the cost of a completion of the Erie and Michigan Canal from its feeders to Fort Wayne, in addition to the amount of labor now done thereon."

This resolution embraces several points of inquiry, which I will answer in their order.

The first inquiry is as to the quantity of water for the supply of a canal of the size of the Wabash and Erie Canal west of Fort Wayne.

This is variously estimated from 50 to 100 cubic feet per minute for each mile, depending very much upon the character of the soil and the height of the embankments. From Fort Wayne to the first feeder west of the location and level of the canal for most of the distance is very favorable for the retention of water. With great care in saving the water, I think about 50 feet per mile will be sufficient, for leakage and evaporation.

The second inquiry is as to the quantity of water required for a canal of the size of the canal east of Fort Wayne.

This division of the canal is wider than the division west of Fort Wayne, in the proportion of 60 to 40, and, other circumstances being equal, would require more water, though not in this proportion. But the canal from Fort Wayne to the State line for most of the route is very favorably situated for retaining water, being mostly cut through a level plain, very impervious to water, and the surface of the water for most of that distance being either below or but little above the surface of the ground. This division, though of greater width, will probably require but little more water than the smaller canal west of Fort Wayne.

The third inquiry relates to the quantity of water which may be derived from the Erie and Michigan Canal if finished, over and above what said canal will require.

In the first report in relation to this canal, made in 1836, it was suggested by General Mitchell, that the head branches of the Elkhart would furnish a surplus of water, after supplying the Erie and Michigan Canal from the Elkhart to Fort Wayne. During the several dry seasons which followed, however, it was observed that these streams were depressed greatly below what they gaged in 1836, and it was deemed necessary to make a re-survey of all the va-

nous resources relied upon for the supply of the canal. This examination was made with great care in the summer and fall of 1839 by Mr. Ball, and the results are stated in a special report from this office dated 10th January, 1840; which may be seen on page 232 of Documentary Journal of last session. From this report it will be seen that after collecting all the branches of the Elkhart and also of Cedar creek, available for the summit, and retaining their whole yearly discharge in reservoirs, a small annual surplus is shown, but which however is not greater than is requisite to meet the increase of trade, and provide for the many contingencies to which a summit division is exposed. It would not be safe to rely upon drawing any water from the summit feeders of the Erie and Michigan, for the supply of the Wabash and Erie Canal.

By a reference to the same report it will be seen that it is proposed to construct a reservoir east of the summit in the valleys of Weeks' Branch and Black Creek, which is on a level 62 feet below the summit, and 11½ miles west of Fort Wayne. This reservoir is to be filled by the lower branches of Cedar Creek, taken out at points where they are of augmented size. This report shows that a considerable surplus will here be provided after supplying the line to Fort Wayne, and that this surplus may be readily increased. In the construction of the Erie and Michigan Canal it has been our design to provide in this reservoir a considerable surplus, which would increase the water power at the several locks, and also be applicable to the future wants of the Wabash and Erie Canal, should there be any deficiency on that work.

The fourth inquiry calls for the quantity of water required to supply said reservoir, including the usual allowance for leakage and evaporation; and if it be supplied from the St. Joseph feeder, what effect will the increased current have upon the navigation east of Fort Wayne.

I am informed by the Ohio Engineer that the proposed reservoir in that State is to cover about 2500 acres, with an available depth of 3 feet. To fill a reservoir of this size will require 326,700,000 cubic feet of water. Allowing 10,000 cubic feet per minute to be passed into this reservoir it will fill in 23 days. The current required for the passage of this quantity of water will not exceed a velocity of half a mile per hour, which will not materially impede the navigation. The water to fill the reservoir in Ohio will be drawn from the Little St. Joseph River, which during the spring season will furnish an ample supply.

The fifth inquiry relates to reduction in the size of the Middle Fork feeder.

This feeder was originally laid out with 40 feet surface, but on account of the apprehended scarcity of water on the summit of the Erie and Michigan Canal was afterwards reduced to 32 feet surface, the depth remaining the same. This reduction of width will slightly retard the speed of boats, but not so as to lessen materially the usefulness of this branch to the surrounding country. Its dimensions will

be the same as those of the side cut extending from the Ohio Canal to Columbus, which answers all the commercial purposes of that city with its 6000 inhabitants.

The sixth inquiry calls for the cost of the Erie and Michigan Canal from its feeders to Fort Wayne.

The sum required to complete the canal from Fort Wayne to the Middle Fork reservoir in Noble county, a distance of fifty miles, including all the necessary reservoirs and feeders, amounts to about \$725,000 in addition to the expenditure heretofore made. The great number of reservoirs, feeders, and catch water drains required on this summit, swells the cost of this division to nearly twice the expense of any other equal distance on the whole route. After passing the summit, the Canal thence to South Bend will be remarkably cheap in its construction.

Respectfully submitted,

J. L. WILLIAMS,

Chief Engineer.

Mr. Watts, having obtained leave, made the following report:

MR. PRESIDENT—

The select committee to which a bill was referred, creating a new circuit, and to equalize the several judicial circuits, have had that subject under consideration, and have directed me to report the same to the Senate, with one amendment, which is to strike out the bill from the enacting clause, and insert the one herewith submitted, as a substitute, and ask to be discharged from the further consideration of the same.

The report was concurred in.

Mr. Baird of St. Joseph, moved that the rules be suspended, and the bill considered as engrossed, and read the third time now.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. Jos., Beard of Mont., Carnan, Chamberlain, Clark, Collins, Dobson, Elliott, Everts, Ewing, Hackett, Hanna, Harris, Hoover, McCord, Parker, Riley, Thompson, Watts, Williams, and Wright—22.

Those who voted in the negative were,

Messrs. Armstrong, Bell, Berry, Blair, Carr, Cravens, Foster, Hargrove, Herriott, Kinzer, Lowe, Mount, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, and Test—19.

So said motion prevailed. The bill was read the third time, and on the question, shall the bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. Jos., Beard of Mont., Berry, Carnan, Chamberlain, Clark, Collins, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Hanna, Harris, Hoover, McCord, Parker, Riley, Watts, Williams, and Wright—23.

Those who voted in the negative were,

Messrs. Armstrong, Bell, Blair, Carr, Cravens, Hackett, Hargrove, Herriott, Kinzer, Lowe, Mount, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, Test, and Thompson—19.

So said bill passed.

Mr. Thompson, leave being granted, offered the following resolution:

Resolved, That the Hon. David H. Colerick, formerly a member of the Senate, be invited during his stay in Indianapolis, to take a seat in the Senate chamber, at his pleasure.

Which resolution was agreed to.

Mr. Arion, having obtained leave, made the following report:

MR. PRESIDENT—

The committee on the State Bank, to whom was referred so much of the Governor's message as relates to the payment of the debt due from the State to the State Bank of Indiana, have had that subject under consideration, and directed me to report a bill in accordance thereto, and recommend its passage.

Bill No. 43, providing for the payment of the debt due the State Bank of Indiana, and for moneys paid for the State.

Which was read the first time, and passed to the second reading.

On motion of Mr. Clark, it was

Resolved, That the Board of Internal Improvements be requested to inform the Senate, by what authority the southern division of the Central canal was extended beyond the town of Evansville, as originally located, to Lamasco city. Whether the work done thereon was paid for out of the State funds, and, if so, whether the sum so advanced has been refunded to the State; and if not, how is the final payment thereof secured to the State.

The following message was received from the House of Representatives by Mr. Hagar, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bills thereof, as follows:

No. 71—A joint resolution for the relief of David Rowles;

No. 77—A bill to prevent the spreading of the disease called the "glanders" among horses;

No. 80—A bill to incorporate the Connersville Musical Institute;

No. 81—A bill to revive the President and Trustees of the Dubois County Library;

In which the concurrence of the Senate is respectfully requested.

The several bills and the joint resolution named in the above message, were read the first time, and passed to a second reading tomorrow.

Mr. Harris, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the Senate, to wit:

No. 15—An act regulating the jurisdiction of Justices of the Peace in Fountain county.

Also, the following enrolled with the engrossed bills of the House of Representatives, to wit:

No. 14—An act to amend an act entitled, an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county;

No. 15—An act for the relief of Benedict O'Neal;

No. 20—An act authorizing the Board of Commissioners and the Probate Judge of Jackson county, to hold the sessions of their respective courts in the Clerk's office of said county;

No. 21—An act to incorporate the Owen county Band of Gosport;

No. 22—An act to provide for a more uniform mode of doing township business in the county of Elkhart;

No. 29—An act to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, De Kalb and Noble;

No. 34—An act repealing so much of an act, approved Feb. 24, 1840, as relates to Union county;

No. 37—An act to vacate the town plat of the village of Charlottsville, in Kosciusko county;

No. 42—An act for the relief of William Truelock;

No. 67—An act for the relief of the Collector of the county revenue for Spencer county;

And find that the same have been truly enrolled.

On motion, the Senate adjourned.

City Bank of Buffalo. 50 shares in the Merchants Bank, Mississippi. 13,600 shares in the Little Schuylkill and Susquehanna Rail-road stock. \$181,000 of stock in Apalachicola Land Company, (Florida). \$40,000 of stock in the Mississippi and Arkansas Land Company. Coal Pier and Wharf, at Jersey city. Undivided third part of 210 lots in Jersey city. North American Trust and Banking Company certificates of deposit, for \$196,000. Harlem Seven per Cent. bonds, \$17,000. \$250,000 Beaver Meadow Rail-road stock, subject to a lien of \$150,000 in favor of the Beaver Meadow Company bonds of the Morris and Sussex Manufacturing Company, and the Morristown Iron Company, for \$300,000 worth of Iron. D. B. Hosbrook, bonds secured by Morristown Valley Rail-road stock, for the return of Indiana Sterling bonds \$87,121. The bonds of Simeon Draper, for the return of Indiana Sterling bonds \$25,000. Downer & Steinhaus' notes for \$10,000. Other notes and judgments \$24,000. 250 Canal Boats delivered to Maynot, as the agent of Indiana. A mortgage on the Morris Canal, from Jersey city to Easton, subject to the Dutch lien on said canal, from Newark to Easton, of \$750,000.

Bank of Western New-York, Rochester. Debt, \$240,000.—Securities: Bonds of the Western Bank of New-York, in the city of New-York; bonds of the Georgia Lumber Company, as also large tracts of land belonging to the last named Company.

Pontiac Rail Road Company, Michigan. Debt, \$90,000.—Securities: Bonds of the Merchants' Exchange Bank at Buffalo and a lien on the Rail Road.

Erie County Bank, New-York. Debt, \$141,573.—Securities: Bonds of the Bank and bonds of the Gallipolis Bank, Ohio.

Binghampton Bank. Debt, \$60,700. Securities: By the acceptance of Dwight and Danforth of the City of New-York, endorsed C. Cole of Binghampton, New York.

Bank of Commerce at Buffalo. Debt, \$81,600.—Security: Liability of the estate of Hiram Pratt, dec'd. and \$48,000 of stock in Bank of Buffalo.

Staten Island Whaling Company.—Debt, \$80,000. Securities: \$60,000 of stock in the Staten Island Bank, together with some bonds and mortgages.

Merchants' Exchange Bank, Buffalo. Debt, \$200,000. Securities: The bonds of Sherman Stevens, Augustus C. Stevens and Eugene Vanderventer; \$200,000 of the stock of the Bank; mortgages on real estate valued at \$30,000, but perhaps not worth so much; also bills receivable said to be good, amounting to \$90,832.

Bank of North America, Buffalo. Debt, \$43,000.—Securities: The bonds of Henry Roope, president thereof, for \$40,000. As collateral security for the payment thereof, we have \$40,000 of the stock of the Bank and mortgages on real estate valued over and above some incumbrances thereon at \$55,000, but perhaps not worth more than the incumbrance.

Madison Company. Debt, \$55,000.—Securities: The bonds of Messrs. V. & J. King, William Hendricks, G. W. Leonard, and John

Woodburn. Further secured by the Madison Insurance Company and the Madison Savings Institution.

The debts due from E. & P. Houghwout \$28,000, W. A. Swan \$4000, and I. Cohen, Jr. & Brs. \$55,000 are secured by bonds and mortgages, value unknown.

The lots and property taken on the compromise of the Cohens debt are as follows:

1st. Bloomingdale property, consisting of 256 lots and 128 water lots between 65 and 67 streets and 10 and 13th avenue in 12th ward of City of New-York.

2d. Eighth avenue property 182 lots in eighth avenue, 89, 90, 97 and 98 streets. All of these lots are about 5 miles from the city.

3d. Brooklyn property, 52 lots including water lots between Gold street and lands of M. Bruner and between Plymouth street and East River in the city of Brooklyn on which is the sperm candle factory.

9th. What is the probable value of such securities?

The undersigned has already expressed his views in relation to the character of the principal debts, as well as the securities. I have not, subsequently to the period of presenting my annual report as Treasurer of State, been advised of any matter calculated to change my then expressed opinion in relation to either debts or securities. My views were then expressed in general terms, nor am I at this time able to give a particular detail of the character of all of the several and varied items which constitute these securities. The main debt is due from the Morris Canal & Banking Company. In all my intercourse in the short time spent in the east, I did not, on any occasion, hear an opinion expressed by persons residing there, other than that the institution was bankrupt and insolvent.

Its stock sold at the board at \$7 per share. Its canal produced \$70,000 per annum, and its expenses were \$50,000, leaving but \$20,000 towards discharging its millions. Its refusal to disclose its condition to a committee appointed by her London creditors, unless those creditors would first agree to loan her a large sum of money; her utter inability to meet her current and accruing liabilities; the manifest fraud practised upon Indiana by obtaining possession of her bonds under the plausible pretence of informality in bonds previously purchased of the State, and the continued promises to return the bonds for years after she had disposed of them, and the poor excuse finally made, that she was unable to return or pay for them, but had used them for the benefit of Indiana, while she was otherwise indebted to the state in large amounts which she still continues to withhold; the forfeiture of her solemn promises to return \$500,000 of the bonds of the Bank loan, and of the subsequent disregard of her promises to pay the interest on bonds for which she is indebted to the State. These are among the reasons and facts upon which I based the opinions expressed in my annual report, and which I still entertain.

Although some portion of the securities may be good, yet I have not a doubt, but much the largest portion are what are termed *fancies*,

and have been and still are greatly overrated, both in value and prospective availability.

The securities for the debts due from the free Banks of New-York are, as I fully believe, utterly insufficient. In many cases we have as security portions of the stock of the Bank purchasing our bonds, when the very capital is made up of those identical bonds for which they are indebted to Indiana. The process is this. They purchase our bonds, or the bonds of some other State on credit; deposit them with the Comptroller, divide the amount into stocks, and turn round and give us a portion of the stock as security; to which is superadded the personal responsibility of the managers, whose smartness in this successful operation foreshadows what they will do in the end.

In some cases we have mortgages on real estate, some incumbered and some unincumbered, but I apprehend that in but few instances will these prove to be of much avail in saving the State from the loss of the debt they were intended to secure.

The undersigned has heretofore stated, that others whose opportunities have been more favorable to a personal knowledge of these matters, entertain entirely different and more favorable opinions in regard to the safety of these debts, and of the sufficiency of the securities; but however unpleasant it may be to avow opinions so varient from those entertained by others, under such circumstances, yet when public duty calls for this expression I give it fully and freely as my information and judgment enabled me to decide. And I now repeat the opinion that the payment of nearly the whole of this debt will be postponed for many years, and a large portion of it forever.

And further, that owing to the variety and complex character and condition of the debts, security and property, which it will be necessary to superintend and look after, in order to save even a moiety of this suspended debt, the State will be put to great expense, and its authorities to continued and vexatious duties.

All of which is respectfully submitted,

N. B. PALMER,

Fund Comm'r.

The report was read, and

On motion of Mr. Lowe, referred to the joint committee on the canal fund.

Mr. Lowe moved that 500 copies of the report be printed.

Mr. Ewing moved to amend by striking out "500" and inserting "100."

A division being called for,

The question was on the motion to print,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Bell, Berry, Carr, Chamberlain, Dobson, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts, Stevenson, Tannehill, Test, and Thompson—19.

pass under a rigid accountability before the Board, be reported to the Fund Commissioners and entered on the books of the Auditor of Public Accounts. With such a system of accountability and responsibility in the outset, the acts of the public agents and the accounts and expenditures on each line, will be susceptible of explanation in the future, but without them disorder, confusion and uncertainty must ensue, to say nothing of the apprehension of other consequences. The Board cannot, therefore, see any reason why the works named may not be supervised by the proper head quite as well as, and more cheaply than they are, under the existing plan.

Respectfully,

N. NOBLE.

Mr. Clark, leave being granted, offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the propriety of so amending the law relative to county seminaries, that it shall be the duty of justices of the peace to make report under oath, and in writing, to the circuit courts in their proper counties, of the amount of fines assessed, and also of the amount collected, accompanied with the receipt of the county seminary for all such money by them collected; with leave to report by bill or otherwise;

Which was adopted.

Mr. Chamberlain, leave being granted, offered the following resolution:

Resolved, That the committee on federal relations be instructed, in case they recommend the passage of the joint resolution referred to them on the subject of the Independent Treasury Bill, to point out the manner in which it is proposed that the public money shall be kept and disbursed, in case of a repeal of the Sub-Treasury.

Mr. Parker moved to amend the resolution by adding: "In case they believe the wisdom of the Nation in Congress is not competent for that purpose;"

Which was agreed to.

The question being on adopting the resolution as amended,

It was decided in the negative.

So said resolution was not adopted.

The following message was received from the House of Representatives, by Mr. Hager, their Clerk:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills of the House of Representatives:

No. 21, an act to incorporate the Owen county Band of Gosport;

No. 29, an act to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, Noble and DeKalb;

or excuse bad faith in a sovereign power. An individual may transcend the rules of moral honesty without reflecting infamy upon his country. But when that country (which is but the people in the aggregate) acts with a want of fidelity towards those who may have reposed upon its assurances in good faith, it is without doubt just cause of national disgrace. There being no tribunal vested with power to compel fulfilment of such engagements, but depending solely on the moral sense and honest purpose of the State, a violation of them has ever been regarded as an act base in the extreme. Instances might be adduced, from the earliest records, of nations whose acts of treachery in violating compacts have subjected them not only to the scourge of their neighbors, but to the just rebuke of Providence. There needs no proof, however, to satisfy the Senate that without good faith neither States or individuals ever prosper.

The committee have taken much pains to ascertain the facts existing in the cases referred to by the resolution. But they have not been able to satisfy themselves of a fact very essential to the formation of a proper opinion upon the law of the subject. The committee is not informed whether the present holders of these bonds, knew that they were not paid for at the time they were taken by them. With such knowledge the holder stands in the same place with the original purchaser. For the custom which prevailed of selling on credit did not legalize the sale if made against the directions of the statute authorizing it. With whatever of honesty and devotion to the interests of the State the commissioners acted, they could not exceed their authority. Nor could the purchaser of the bonds acquire an interest in them by which the State ought to feel itself bound. For it is but fair to presume that he who purchased of the agent of the State consulted the authority under which that agent acted and fully comprehended the extent of it. Without tracing the bonds into the hands of the present holders, and finding out how far they were informed of the want or failure of consideration, it would be impossible for your committee to determine whether the State ought to meet them or not. It is believed by your committee that these bonds, like such securities generally, have passed into the hands of European and American money dealers and are scattered far and wide, so much so that it would be idle to attempt to seek for them in order to take the proper steps to arrest their circulation and effect their cancelment. The committee presume that these bonds are in the hands of innocent purchasers—those who have invested their money in them in good faith, not knowing any thing of the manner of their passing from the hands of the State. If so, we believe the State is in equity, morality, and considerations of public policy, bound to meet the principal and interest as promptly as if she had received every cent for them.

It would not be consistent with the high character of our people, for intelligence and honesty, to place in the hands of the State's agents the means of imposing on mankind, and then take advantage of that imposition. Let us rather look to our agents and see that they per-

form their duties properly, and if they do not that we have the people secured against loss by their improper acts.

Your committee have their doubts of the propriety of any definite action upon the subject of these bonds at present. It is thought that the State may be rescued from loss by the securities received, and if such fortunate results are promised by the negotiations now pending, any expression or resolution taken by the Senate, might tend but to embarrass them. Hence your committee recommend the adoption of the following preamble and joint resolution, and ask to be discharged from the further consideration of the subject.

And the joint resolution, No. 49, of the Legislature of Indiana, upon the subject of the debts of said State,

Was read the first time and passed to a second reading.

Mr. Berry, leave being granted, from the committee on elections, made the following report:

Mr. PRESIDENT—

The committee on elections to whom was referred a resolution of inquiry into the expediency of restricting electors to vote in all cases in their respective townships in which they reside, have had the subject matter under their consideration, and a majority of them directed me to report that legislation on this subject is inexpedient, and ask to be discharged from the further consideration thereof.

On motion of Mr. Wright,

The resolution was re-committed to a select committee of Messrs. Wright, Beard of Montgomery and Foster.

Mr. Stevenson, from the judiciary committee, made the following report:

Mr. PRESIDENT:

The judiciary committee to which was referred a resolution to inquire what legislation, if any, is necessary to secure to the holders of the land the use of the same upon which the public works have been located and are now suspended, have had the same under consideration and directed me to report the following bill:

No. 48, a bill to secure to the owners of land upon which the public works have been suspended, the use of the same;

Which was read the first time and passed to a second reading tomorrow.

Mr. Harris, from the committee on the judiciary, made the following report:

Mr. PRESIDENT:

The committee on the judiciary to whom was referred the petition of Elizabeth Hughes of Monroe county, praying for the passage of an

act authorizing her, as the guardian of her minor children, to sell certain tracts of land and apply the proceeds thereof to the education and maintenance of her said children, have had the said petition under their consideration, and have directed me to report that it would be inexpedient to grant the prayer of said petitioner. They therefore ask to be discharged from the further consideration of said petition;

In which the Senate concurred, and the committee was discharged accordingly.

Mr. Wright, from the committee on the judiciary, made the following report:

MR. PRESIDENT—

The standing committee of the Senate upon the judiciary, to whom was referred an engrossed bill of the House of Representatives for the relief of John Buck, deceased, No. 12, have had the same under consideration, and have directed me to report the same back to the Senate without amendment and recommend its passage.

The report was concurred in, and

The bill, No. 12, of the House referred to, was ordered to be read the third time to-morrow.

Mr. Collins, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to which was referred engrossed bill of the House of Representatives, No. 2, entitled a bill to regulate the practice in suits at law, have, according to order, had the same under consideration, and have directed me to report the same back to the Senate without amendment and recommend its passage.

The report was concurred in by the Senate, and the bill referred to in the report was ordered to a third reading on to-morrow.

Mr. Nave, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred a bill of the Senate, No. 6, entitled a bill extending the time of payment to the borrowers of the Sinking, College and Saline Funds, and of the Surplus Revenue, have had the same under their consideration, and have instructed me to report the same back to the Senate with one amendment thereto, viz: Strike the same out from the enacting clause and insert the following:

In which the concurrence of the Senate is respectfully requested.
Mr. Clark moved to recommit the bill to a select committee.

Mr. Carnan moved to refer it to the committee on finance.
And the question being on referring the bill to the committee on finance;

The ayes and noes were called.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Hoover, McCord, Morgan, Mount, Parker, Riley, Stevenson, Tannehill, Watts, Williams and Wright—23.

Those who voted in the negative were,

Messrs. Baird of St. J., Bell, Berry, Carr, Chamberlain, Dobson, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Lowe, Nave, Nickel, Roberts and Stafford—19.

The bill was so referred.

Mr. Collins, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate, No. 34, entitled a bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838, have had the same under consideration, and have made the following amendments thereto, to-wit:

Sec. 7. Strike out the words "lawful for" and insert instead "the duty of," in line second;

Same section, 5th line, strike out "or" and insert "and," and strike out the word "otherwise;"

Strike out section 8 from the bill;

And have instructed me to report said bill and amendments to the Senate, to ask the concurrence of the Senate therein, and recommend the passage of the bill so amended.

The report and amendments were concurred in, and the bill ordered to be engrossed and read the third time to-morrow.

Mr. Morgan, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to which was referred a bill to incorporate the Princeton Musical Institute, report the same back without amendment and recommend its passage.

The bill referred to was ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Stevenson,

Resolved That the committee on agriculture be instructed to inquire what amendment, if any, is necessary to an act to organize Agricultural Societies, so as to promote more effectually the agricultural interests of the state, with leave to report by bill or otherwise.

Mr. Wright offered the following resolution:

Resolved. That the committee on finance inquire into the expediency of calling in, during the ensuing year, twenty-five per centum of the loans of the Sinking Fund, Surplus Revenue and College Fund, to be invested in Bank stock of the State Bank of Indiana Branch at Logansport, and report by bill or otherwise.

Mr. Angle moved to amend by striking out "Branch at Logansport;"

Which was agreed to;

And then the resolution was adopted.

On motion of Mr. Dobson, the committee on claims were discharged from the further consideration of the petition of Samuel Murphey.

Mr. Mount asked leave to withdraw the petition referred to:

Which was agreed to.

On motion of Mr. Parker,

Resolved, That the President of the State Bank of Indiana be requested to report to this Senate as soon as practicable, the average aggregate amount of discounts by the several Branches of the State Bank, for and during each month of the last three years, setting out the discounts of each Branch separately.

ORDERS OF THE DAY.

Bill No. 55, of the House, for the relief of John W. Cunningham, late collector of Putnam county,

Was read the third time and passed.

No. 71, joint resolution of the House, for the relief of David Rowles,

Was read the third time, and,

On motion of Mr. Angle, laid on the table.

Bill No. 81, to revive the President and Trustees of the Dubois county Library.

Mr. Hargrove moved to amend as follows:

In the third line of the second section, after the word "said" insert the words "county library;"

Which was agreed to.

Mr. Collins moved to amend as follows:

In the eighth line of the second section, after the word "President" insert the words "and Trustees;"

Which was agreed to;

And the bill passed.

Bill No. 44, of the Senate, to amend an act entitled an act to provide for public printing and for the distribution of the laws and journals, approved Feb. 16, 1839,

Was read the second time and referred to a select committee of Messrs. Arion, Parker, Collins and Stevenson.

Mr. Cravens moved that Mr. Watts and Mr. Armstrong be added to the committee on modification;

Which was not agreed to.

Bill of the Senate, No. 45, for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana,

Was read the second time, and,

On motion of Mr. Cravens, laid upon the table.

Mr. Chamberlain moved that the bill be printed;

Which did not prevail.

Bill No. 46, of the Senate, for the apportionment of Senators and Representatives in the General Assembly of this state for the ensuing five years,

Was read the second time, and,

On motion of Mr. Watts, laid on the table.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Eggleston, leave being granted, introduced a joint resolution, No. 49, of the General Assembly of the State of Indiana, providing for the civil list for the year 1841;

Which was read the first time, and,

On motion of Mr. Eggleston, the rule was suspended and the resolution read the second time.

Mr. Dobson moved to strike out the preamble.

Mr. Test moved to refer it to the committee on finance;

Which was agreed to.

Mr. Elliott moved to take from the table the bill, No. 46, for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana;

Which was agreed to.

Mr. Carnan moved to strike out the names of the counties of Lawrence, Brown and Monroe, wherever they occur in the 2d and 3d sections of the bill and insert the following as a separate section:

The counties of Brown and Monroe shall select one Representative jointly, and the county of Lawrence shall elect one Representative; and said counties of Brown and Monroe jointly and said county of Lawrence shall elect one additional Representative alternately, commencing with the county of Lawrence;

Which was agreed to.

Mr. Tannehill moved to amend the 2d section of the bill, by striking "Bartholomew" out of the 8th line, and insert it in the 5th after the word "Henry."

Mr. Nave moved to recommit the bill to a committee of two senators from each judicial circuit.

A division being called for,
Mr. Arion moved to lay the bill on the table.
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Carr, Chamberlain, Cravens, Eggleston, Hanna, Hargrove, Morgan, Nave, Nickel, Tannehill, Test, Watts and Williams—15.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Carnan, Clark, Collins, Dobson, Elliott, Everts, Ewing, Foster, Hackett, Harris, Herriott, Hoover, Lowe, McCord, Mount, Parker, Riley, Roberts, Stafford, Stevenson and Wright—28.

So said motion did not prevail.

On motion of Mr. Chamberlain,

The further consideration of the bill was postponed till Saturday next.

Mr. Test moved to take up the resolution declaring, as the sense of the Senate, that it is inexpedient to connect the State Bank, in any manner, with the system of Internal Improvements, or to compel said State Bank, for the purpose of obtaining a confirmation, by the Legislature, of her chartered privileges, to redeem the outstanding Treasury notes, by the issue of small bills.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Blair, Carnan, Carr, Chamberlain, Everts, Foster, Harris, Herriott, Hoover, Lowe, Nave, Roberts, Stafford, Tannehill, Test and Williams—20.

Those who voted in the negative were,

Messrs. Beard of M., Bell, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Ewing, Hackett, Hanna, Hargrove, McCord, Morgan, Mount, Nickel, Parker, Riley, Stevenson, Watts, Wright and Arion—22.

So said motion did not prevail.

Mr. Ewing, leave being granted, offered the following resolution:

Resolved, That the committee upon the judiciary be instructed, to inquire into the expediency of so amending the law upon the subject of contracts, that it may be made the duty of the Prosecuting Attorneys, or some other officer in the several judicial districts, to prosecute all the holders of lands which ought to escheat to the State, for the recovery thereof,

Which was adopted.

Mr. Watts, leave being granted, offered the following resolution:

Resolved, That the committee on roads be requested to inquire into the expediency of so amending the general road law, as to require the Boards doing county business in the several counties in the State, to appoint in each township a general superintendent of roads therein, whose duty it shall be to settle with the several supervisors in such township annually, and return to the circuit court all such supervisors as may be delinquent in the discharge of their duties, in neglecting to call out the hands, and apply the requisite quantity of labor to the several roads, in their respective districts, or the moneys that may come into their hands for road purposes, or who may fail to prosecute delinquent hands, and for any other neglect of duty: with leave to report by bill or otherwise;

Which was adopted.

Mr. Clark, leave being granted, offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of providing by law, some method of ascertaining the value of property exempt from execution; with leave to report by bill or otherwise.

Said resolution was adopted.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report, that they did, on this day, present to his Excellency, the Governor, for his approval and signature, the following enrolled bills of the Senate, to-wit:

No. 15—An act regulating the jurisdiction of Justices of the Peace, in Fountain county;

Also, the following enrolled bills of the House of Representatives, to wit:

No. 14—An act to amend an act, entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county;"

No. 15—An act for the relief of Benedict O'Neal;

No. 20—An act to authorize the Board of Commissioners and the Probate Judge of Jackson county, to hold the sessions of their respective courts in the Clerk's office of said county;

No. 21—An act to incorporate the Owen county Band of Gosport;

No. 22—An act to provide for a more uniform mode of doing township business in the county of Elkhart;

No. 29—An act to provide for a more uniform mode of doing township business in the counties of La Grange, Steuben, De Kalb and Noble.

No. 34—An act to repeal so much of an act, approved February 24th, 1840, as relates to the county of Union;

No. 37—An act to vacate the town plat of the village of Charlottesville, in Kosciusko county;

No. 42—An act for the relief of William Truelock, collector of Scott county, for the years 1837 and 1838;

No. 67—An act for the relief of the collector of the county revenue for Spencer county.

The Senate assembled.

THURSDAY MORNING, DECEMBER 31, 1840.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Hager, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bills of the Senate, as follows:

No. 19—An act to amend an act, to provide for the opening and repairing public roads and highways in Gibson county, approved Feb. 17, 1838;

No. 23—An act to vacate the town of Harrison, in Delaware county.

Also, the following engrossed bills of the House,

No. 60—A bill authorizing the issuing of a special writ of distringas in certain cases;

No. 62—A bill providing for the discharge of insolvent persons, who are detained in prison for the non-payment of cost, in criminal cases;

No. 65—A bill for the relief of Menter S. Johnson, collector of Clay county;

No. 79—A bill to prohibit the making, issuing, or circulating small notes or bills;

No. 88—A bill to authorize the transportation of the U. S. mail over the bridges on the Madison and Indianapolis rail road;

No. 92—A bill requiring the Commissioners of the White river bridge, to make settlement,

In which the concurrence of the Senate is respectfully requested.

The engrossed bills of the House named in the above message, were severally read the first time, and passed to a second reading.

Mr. Parker presented the petition of David Tullidge and others, praying for the formation of a school district,

Which was read, and

Referred to a select committee of Messrs. Parker, Hanna and Nave.

Mr. Berry presented the petition of Sarah Bailey, praying for a divorce;

Which was read and referred to the committee on the judiciary.

Mr. Parker, from the committee on finance, made the following report:

MR. PRESIDENT—

The standing committee on finance to whom was referred bill No. 43 of the Senate, entitled "a bill providing for the payment of the debt due the State Bank of Indiana for moneys paid for the State," have, agreeably to order, had the same under consideration, and have directed me to report the same back to the Senate, and recommend that the same be amended, by striking all out after the enacting clause, and that in lieu thereof, the substitute herewith reported, be inserted.

The question being on concurring in the report and adopting the amendment,

Mr. Dobson moved that the bill and proposed amendment be laid upon the table; which motion prevailed.

Ordered, That the Printer of the Senate be directed to print 50 copies of the bill and amendment for the use of the Senate.

Mr. Nave, from the committee on the judiciary, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of so amending the 31st section of an act entitled "an act organizing the Supreme Court, and defining its powers and duties; that when any judgment of a Circuit Court, by which any individual shall be imprisoned in the State Prison, shall be reversed by the Supreme Court, the Supreme Court should cause the Governor to be informed of such reversal, and thereupon the Governor to issue his order for the release of such prisoner, on condition that he will enter into a recognizance, and have had the same under their consideration, and have directed me to report the following bill.

Bill No. 50, accompanying said report, amendatory of an act organizing the Supreme Court and defining its powers and duties, approved, February 17, 1838, was read the first time and passed to a second reading on to-morrow.

Mr. Lowe, from the committee on roads, made the following report:

MR. PRESIDENT—

The committee on roads to whom was referred the petition of the citizens of the counties of Shelby and Rush, on the subject of a state road therein mentioned, have had that subject under consideration, and have in consequence of the illegality of the petition, directed me to report it back to the Senate, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the Senate, and the committee was discharged from the further consideration of the petition.

Mr. Nickel asked and obtained leave to withdraw the petition.

Mr. Arion from a select committee, made the following report:

Mr. PRESIDENT:

The select committee to whom was referred a bill to amend an act entitled "an act to provide for public printing, and for the distribution of the laws and journals," have, according to order, had the same under consideration—have made two amendments to the second section of said bill—first, by striking out "sixty," and inserting "seventy cents;" and the second amendment, by striking out seventy and inserting one dollar. To all of which they ask the concurrence of the Senate; and request to be discharged from the further consideration of said subject.

The report of the committee was concurred in, and the committee discharged.

Mr. Lowe moved further to amend said bill by striking out in the third line of the first section the words "three years," and inserting in lieu thereof the words "one year," (the object of which was to provide that the public printer should be elected every year instead of every three years.)

A division of the question being called, the question was first taken on striking out;

And the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Berry, Carr, Chamberlain, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts, Tannehill and Watts—13.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Clark, Collins, Cravens, Dobson, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Williams, Wright and Eggleston—30.

On motion, the blank in the first section was filled with "January."

Mr. Lowe moved further to amend the bill by requiring the public printer to take an oath for the faithful discharge of his duties;

Which motion did not prevail.

The bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Hargrove, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the Senate, No. 29, to establish a ferry therein named, have, after examination, instructed me to report the same back to the Senate without amendment.

The bill mentioned in said report was then ordered to be engrossed and read a third time to-morrow.

Mr. Wright, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a resolution inquiring into the expediency of so amending an act entitled an act regulating general elections, that each voter shall vote in the township where he resides, have had the same under consideration, and would report, that legislation upon this subject is by this committee deemed necessary; and it is in their opinion called for by the people. There are numerous evils attendant upon the present law, which would be by an act of this character entirely obviated. Minors, aliens, and others, not entitled by the laws of our State to vote, in all cases leave their own township, and repair to where their disability is unknown. In this manner, frequently illegal votes are given at our elections, when if they were compelled to vote in their proper township, such disability would be known by the judges or voters of such township. They would also represent that the present law has the effect of drawing remote townships from the county seats of voters, that polls are frequently unopened, and individuals in the various counties, and by these means frequently prevented from casting their votes for a person to represent their feelings, wishes, and aims, unless they have the ability to repair to another poll. Again, many of the voters of the various counties resort to the county seat upon days of election. Such polls are burthened with labor, which is unequal and unjust. The judges being unacquainted with many of the voters, much time has necessarily to be spent in ascertaining their qualifications, and frequent quarrels and contentions arise upon such investigations. We are therefore of opinion, that a proper respect to public morals would dictate, and a sound policy urge the passage of such an act; that it would facilitate the detection of frauds in elections, and encourage a public spirit in the township, by giving them the control of their home affairs. They would therefore report the following bill, and recommend its passage.

Bill No. 51, accompanying said report, entitled a bill to amend an act entitled "an act regulating general elections," approved, February 17, 1838, was read the first time and passed to a second reading to-morrow.

On motion of Mr. Kinzer,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the law in relation to *tippling*

houses, that any person or persons keeping a tippling house or houses, shall subject himself to pay the sum of fifty dollars for a license to vend ardent spirits in such town or township, and the amount of said license, to be applied to the use of common schools in the county where such tippling shop shall be established, and be subject to the punishment as prescribed in the 19th section of an act relating to tippling houses; and said committee be requested to report by bill or otherwise.

On motion of Mr. Morgan,

Resolved, That the committee on education be requested to enquire into the expediency of so amending the school law, so that no teacher shall draw any part of the school fund unless he obtains a certificate of qualification from the examiners of the proper county, with leave to report by bill or otherwise.

On motion of Mr. Nickel,

Resolved, That the committee on education be instructed to enquire into the expediency of amending the 18th section of the eighth chapter of an act entitled "an act incorporating Congressional Townships and providing for public schools therein," approved, February 17, 1838, so that in cases of purchase of school lands, when the purchaser has paid part of the purchase money and has died, leaving an heir under the age of fourteen years, said heir shall not be subject to forfeit said land; but, that said heir or guardian may release said land from such forfeiture, by paying interest at the rate of ten per cent. from the time accrued, with leave to report by bill or otherwise.

On motion of Mr. Parker,

Resolved, That the Treasurer of State be requested to inform the Senate, with as little delay as possible, whether there is at present, or probably will be, a deficiency of funds in the treasury to meet the demands of the civil list, during the current fiscal year. And in case there be now, or will be, such a deficiency, the said treasurer be requested to communicate what he may deem the most expedient means of raising the requisite funds.

On motion of Mr. Clark,

Resolved, That the committee on roads be instructed to inquire into the expediency of amending the road laws, so that it shall be the duty of the several boards doing county business, to appoint supervisors for the several road districts, in their counties, at the January term of their courts, with leave to report by bill or otherwise.

On motion of Mr. Berry,

Resolved, That the education committee inquire into the expediency of so amending the third section of the tenth chapter of an act incorporating Congressional townships, and providing for public schools therein, that the school commissioners may be authorized to loan upon mortgages executed on lands, whose title is derived from the State of Indiana, if such is not the case, with leave to report by bill or otherwise.

On motion of Mr. Clark,

Resolved, That the committee on the judiciary be instructed to in-

quire into the propriety of authorizing suits before justices of the peace, against persons who live out of the county, to be commenced by summons, as well as *capias*, at the option of the plaintiff, with leave to report by bill or otherwise.

INTRODUCTION OF BILLS.

Mr. Watts introduced bill No. 52, to amend an act entitled, an act concerning enclosures, approved Feb. 17, 1838.

Which was read the first time, and passed to a second reading to-morrow.

Mr. Wright introduced bill No. 53, to amend an act organizing the Supreme Court, and defining its duties.

Which was read the first time, and passed to the second reading to-morrow.

Mr. Nickel introduced bill No. 54, to declare a certain county road therein named, a State road, and for other purposes.

Which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Blair,

The joint resolution, No. —, for the relief of David Rowles, was taken from the table, and referred to the committee on canals and internal improvements.

ORDERS OF THE DAY.

Bill No. 2, of the House, to regulate the practice in suits at law, was read the third time and passed.

Bill No. 12, of the House, for the relief of the heirs of John Buck, deceased, was read the third time.

Mr. Berry moved to lay it on the table, which was not agreed to, and the bill was passed.

Bill No. 34, of the Senate, to amend an act entitled, an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, was read the third time.

Mr. Clark moved to re-commit, with instructions to strike out the 4th section, which motion prevailed.

Mr. Wright moved the following, as further instructions to the committee: "to amend the provisions in reference to special bail, so that if defendant appear at the calling of the cause on trial, then the special bail shall be discharged;" which was agreed to.

Ordered, That the select committee consist of Messrs. Clark, Hanna, and Bell.

Mr. Baird of St. J., moved that the committee be discharged from the further consideration of the subject, which was not agreed to.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Bill No. 40, of the Senate, to incorporate the Princeton Musical Institute, was read the third time and passed.

Joint resolution, (of the Senate No. 47,) of the Legislature of Indiana, upon the subject of the debts of said State, was read the second time.

On motion of Mr. Bell,

A call of the Senate was had, and on motion, further proceedings on the call were suspended.

Mr. Baird of St. Joseph, proposed to add, as an additional resolution, the following, viz:

4th. *Resolved*, that hereafter, no loans shall be negotiated for funds, the payment of which may be suspended, and should the same be done at any subsequent period, the same shall be repudiated, which amendment was adopted.

Mr. Nave moved further to amend, by striking out the word "know," in the eighth line of the preamble, and inserting the word "believe." Which motion prevailed.

On motion of Mr. Eggleston,

The vote taken on the last amendment was re-considered.

The preamble and joint resolutions were then, on motion, referred to the committee on finance.

Bill No. 48, of the Senate, to secure to the owners of land upon which the public works have been suspended, the use of the same, was read the second time.

Mr. Berry moved to amend the same by inserting after the word "owners," in the fourth line, the words "or occupiers," which motion prevailed.

On motion of Mr. Dobson,

The bill was then referred to the committee on canals and internal improvements.

Mr. Dobson, leave being granted, offered the following resolution:

Resolved, That the judiciary committee be instructed to report to the Senate whether or not, Milton Stapp, one of our Fund Commissioners, is not liable on his official bond, for entrusting 300,000 dollars of Indiana State bonds to the Morris Canal and Banking Company, which have been withheld by said company, and which is likely to be an entire loss to the State. Also, for the 190,000 dollars sold to said company, without sufficient security, for which the State has received nothing, and which will probably be an entire loss to the State.

Mr. Armstrong moved to amend said resolution, by striking out the name of Milton Stapp, and all that refers to any specific sale of State bonds, and insert, that the committee on the judiciary inquire and report to the Senate, whether either of the fund commissioners of the State are liable or not on their official bonds, for the amount

of State bonds by them transferred, and for which the State has not received a full consideration.

Which was agreed to, and the resolution so amended was adopted.

On motion of Mr. Carnan,

Resolved, That the House of Representatives be respectfully requested to communicate to the Senate, the documents accompanying the Governor's message.

On motion of Mr. Nave,

The vote taken on postponing the further consideration of bill No. 45, to apportion the Senators and Representatives of the State of Indiana, was re-considered, and the bill was referred to the same select committee which reported it.

Mr. Nave moved to take from the table, bill No. 46, introduced by Mr. Watts, to apportion the Senators and Representatives, for the next five years, which was not agreed to.

Mr. Chamberlain moved to add one member for each judicial circuit, to the select committee on apportionment, which motion did not prevail.

On motion the Senate adjourned.

FRIDAY MORNING, JAN. 1st, 1841.

Senate assembled.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bills of the Senate as follows:

No. 26, an act for the relief of William H. Evans;

No. 30, an act to amend an act entitled, "an act regulating grist mills and millers," approved Feb. 10th, 1831;

Also, the following bill of the House:

No. 87, a bill for the relief of Marshall S. Wines;

In which the concurrence of the Senate is respectfully requested.

Bill No. 87, named in the above message, was read the first time and passed to a second reading to-morrow.

Mr. Harris presented the petition of Levi S. Dale and others, which was read and laid on the table.

Mr. Bell, from the committee on elections, made the following report:

MR. PRESIDENT—

The committee on elections, to whom was referred the resolution of the Senate instructing an inquiry into the expediency of so amending the laws regulating general elections, as to punish by fine or otherwise; any person who shall have voted at any of the elections unauthorized by the laws of this State, such person not being eligible by the constitution, have, according to order, had the same under consideration and have directed me to report that legislation on that subject is unnecessary.

Which was concurred in.

Mr. Stafford, from the committee on roads, made the following report;

MR. PRESIDENT—

The committee on roads to which was referred a resolution directing them to inquire into the expediency of so amending an act relating to public roads and highways, that each road district shall elect its own supervisor, instead of by townships, have directed me to report that it is inexpedient to legislate on that subject any further, and ask to be discharged from the further consideration of said subject.

The report was concurred in and the committee discharged.

Mr. Baird of St. Josephs, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a joint resolution of the House of Representatives, No. 71, for the relief of David Rowles, have had the same under consideration and instructed me to report the same back to the Senate with one amendment in the last proviso thereof, which is to strike out the words, "suspend further operations on said section," and insert in lieu thereof, "relinquish his contract on said section."

With said amendment, said committee recommend the passage of said resolution and ask to be discharged from the further consideration thereof.

Mr. Hargrove moved to add to the amendment as follows, "without any allowance for damages."

Which was agreed to.

The report and amendments were concurred in by the Senate, and the rule was suspended, and

On motion of Mr. Beard of M.,

The joint resolution, No. 71 referred to, was read the third time and passed.

Mr. Baird of St. Joseph made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred the petition of William Campbell of Montgomery county, have had the same under consideration, and directed me to report that it is inexpedient to grant the prayer of said petitioner, and therefore ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged.

Mr. Cravens, from the select committee on modification of the public works, made the following report:

Bill No. 55, to modify the system of internal improvements;

Was read the first time.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Lowe moved that the rule be suspended, and that bill No. 55, to modify the system of internal improvement be read a second time.

The motion to suspend the rule prevailed, and the bill was read the second time;

Mr. Berry moved to lay the bill on the table and that the report and bill be printed.

A division being called, the question was on laying the bill on the table, and decided in the affirmative.

Ordered, That the printer to the Senate be directed to print 300 copies of the report and bill.

Mr. Carnan, from a select committee, made the following report:

MR. PRESIDENT—

The committee on apportionment, to which a bill on that subject was referred, have directed me to report the same back with an amendment, in which the concurrence of the Senate is asked.

On motion of Mr. Tannehill, the bill was so amended as to detach Brown county from Monroe and attach it to Bartholomew for Senatorial and Representative purposes, and to give the Representative District of Bartholomew and Brown jointly one Representative, and in connexion with the county of Lawrence an additional Representative alternately.

Mr. Watts moved to recommit the bill to the same select committee, with the following instructions, "to bring in a bill reducing the number of Senators to 36 and the number of Representatives to 75."

Mr. Arion moved to amend the amendment presented by Mr. Watts, by striking out "36" and inserting "42" and "75" and inserting "84."

A division being called,

The question was taken on recommitting the bill.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Clark, Cravens, Foster, Hanna, Herriott, Moffatt, Nave, Nickel, Roberts, Stevenson, Watts, and Williams—13.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Blair, Carnan, Carr, Chamberlain, Collins, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Morgan, Mount, Parker, Riley, Stafford, Tannehill, Thompson, and Wright—31.

So the motion to recommit did not prevail.

The question being on concurring in the amendment of the committee,

Mr. Lowe moved to lay the amendment on the table;

Which did not prevail.

Mr. Nave moved to amend the amendment as follows, viz:

"Marion two, and Hendricks one, and one additional member alternately, commencing with Hendricks;"

Which did not prevail.

Mr. Nickel offered the following as an amendment to the amendment, "strike out the floating member from Hancock and Madison and give it to Shelby;"

Which did not prevail.

Mr. Moffatt proposed to amend the amendment as follows, that the county of Vigo shall elect one Senator and one Representative, and the counties of Clay and Sullivan shall elect one Senator and one Representative each;

Which did not prevail.

Mr. Nave moved to amend as follows: "strike out the floating member from Montgomery and Putnam," and add the same to Hendricks and Shelby alternately, commencing with Hendricks;

Which was not agreed to.

Mr. Chamberlain moved to amend the bill so that Lagrange and Steuben shall form a representative district, and that Noble and DeKalb, shall also form a Representative District;"

Which was not agreed to.

Mr. Foster proposed the following amendment, viz: strike Delaware from Grant for a Senatorial District, and attach Blackford and Jay;"

Which was not adopted.

Mr. Lane moved the following amendment, viz: "Strike out the floating member between Rush and Jefferson, and insert Rush and Shelby, commencing with Rush;

Which did not prevail.

Mr. Moffatt moved to amend as follows, viz: "That the county of

Knox shall elect one Senator and one Representative in conjunction with the county of Sullivan;"

Which was not adopted.

Mr. Lowe moved to postpone the consideration of the amendment of the committee, to the first Monday in August next;

Which did not prevail.

Mr. Lowe moved that the Senate adjourn;

Which was not agreed to.

The question was then taken on adopting the amendment proposed by the committee,

The ayes and noes were demanded,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Blair, Carnan, Carr, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, McCord, Morgan, Mount, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Williams and Wright—35.

Those who voted in the negative were,

Messrs. Chamberlain, Clark, Foster, Hackett, Lowe, Moffatt, Nave, Nickel, and Watts—9.

So said amendment was concurred in.

On motion of Mr. Dobson, the rule was suspended, the bill considered engrossed and read a third time.

And, on the question—shall the bill pass?

And the ayes and noes being ordered.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Blair, Carnan, Carr, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, McCord, Morgan, Mount, Parker, Roberts, Stafford, Thompson, Tannehill, Williams and Wright—33.

Those who voted in the negative were,

Messrs. Chamberlain, Clark, Foster, Lowe, Moffatt, Nave, Nickel, Stevenson, and Watts—10.

So said bill passed.

Ordered, That the Secretary inform the House of Representatives thereof

On motion, the Senate adjourned.

SATURDAY MORNING, JAN. 2d, 1841.

Senate assembled.

The President laid before the Senate the following communication from N. Noble, Esq., which was read and referred to the committee on canals and internal improvements.

INDIANAPOLIS, Dec. 31, 1840.

HON. SAMUEL HALL,

President of the Senate:

Sir—Please lay before the Senate the enclosed report in answer to a resolution of that body.

Respectfully,

N. NOBLE.

OFFICE OF CHIEF ENGINEER,
Indianapolis, December 30, 1840.

HON. SAMUEL HALL,

President of the Senate:

Sir—In answer to a resolution of the Senate of the 22d inst., requesting information from the Board as to "the present condition of the work upon the New Albany and Vincennes McAdamized road, and the amount it would probably cost to complete the same to Mount Pleasant, and to grade it from that point to Vincennes, with the necessary culverts and bridges, including the bridges over the White rivers: also, to inform the Senate as to the present condition of the Jeffersonville and Crawfordsville road from Jeffersonville by the way of New Albany to Salem, and the sum it will probably cost to complete the same to that point, including bridges and culverts," the following statement is respectfully submitted.

NEW-ALBANY AND VINCENNES ROAD.

The first 4½ miles of this road, extending from the Ohio river to Paoli, may be called finished, both grading and metalling at a total cost of \$517,034.

On the next 27 miles, extending to Mount Pleasant, the grading and bridging has been in progress. The total cost is estimated at \$145,261, of which \$68,396 has been performed, leaving \$76,865 as the value of work required to complete the grading and bridging; excepting the bridge over the East Fork of White River.

From Mount Pleasant to Vincennes, no work has been done, nor contracts made. The cost of grading and bridging this division, except the bridge over the West Fork of White River, is estimated at \$128,205.

The two bridges over the White rivers, are estimated to cost about \$50,000, built in a substantial manner.

To complete the grading and bridging from New Albany to Vincennes, including the two White rivers, extending the metaling no further than Paoli, will cost the total sum of \$255,070.

To complete the grading from New-Albany to Vincennes, and extend the metaling to Mount Pleasant, will cost about \$390,670. These sums do not include superintendence, &c.

Jeffersonville and Crawfordsville road, between the towns of Jeffersonville and New Albany, the road was originally laid out, and graded for a rail-road, and made wide enough to lay down three tracks. This grading has been completed for some time, but the road has been of no service on account of the unfinished condition of the Silver creek bridge. One of the culverts on this road has received some injury, which has not yet been repaired. This portion of road has been costly. About \$125,000 has been expended. The sum of \$20,000 would complete the grading and bridging. The length of this division is four and three-fourth miles.

From New Albany to Salem, a distance of thirty-two and one-eighth miles, there has been expended \$132,833. To complete the grading and bridging will require about \$45,544, which added to the value of work to be done between Jeffersonville and New Albany, gives \$65,544, as the sum required to finish the grading and bridging from Jeffersonville to Salem. These sums do not include superintendence or damages.

On the division from New Albany to Salem, especially at the large bridges and culverts, the State is sustaining a material injury, from the unfinished condition of the work, in the loss of materials delivered.

N. NOBLE, Pres.

Mr. Clark presented the petition of John Brown of the county of Lawrence, praying for the passage of an act to authorize him to invest certain funds in bank stock.

Which was read and referred to a select committee of Messrs. Clark, Berry, and Lowe.

Mr. Stafford, from the committee on roads, made the following report:

MR. PRESIDENT—

The committee on roads, to whom was referred, bill No. 32, of the Senate, repealing an act, entitled an act relating to public roads and highways, approved Feb. 17, 1838, have directed me to report it back, and recommend its indefinite postponement, and ask to be discharged from the further consideration of the subject.

Report was concurred in and the committee discharged.

ORDERS OF THE DAY.

Bill No. 29, to establish a ferry therein named, was read the third time and passed.

Bill No. 44, of the Senate, to amend an act to provide for public printing, and for the distribution of the laws and journals, was read the third time, and on the question, shall the bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird of St. Jos., Beard of Mont., Bell, Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Thompson, Williams, and Wright—27.

Those who voted in the negative were,

Messrs. Berry, Carr, Chamberlain, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts, Tannehill, and Watts—13.

So said bill passed.

Bill No. 50, of the Senate, amendatory of an act, entitled, an act organizing the Supreme Court and defining its powers and duties, approved Feb. 17, 1838, was read the second time, and referred to a select committee of Messrs. Parker, Nave, and Watts.

Bill No. 51, of the Senate, to amend an act entitled, an act regulating general elections, was read the second time.

Mr. Watts moved to postpone the further consideration of the bill, to the first Monday in August next.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Bell, Berry, Blair, Clark, Collins, Cravens, Dobson, Eggleston, Hackett, Hargrove, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Nave, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Watts, and Williams—27.

Those who voted in the negative were,

Messrs. Baird of St. Jos., Beard of Mont., Carr, Everts, Ewing, Foster, Harris, Herriott, Mount, Nickel, Parker, and Wright—12.

So said motion prevailed.

Bill No. 52, to amend an act entitled, an act concerning enclosures, approved Feb. 17, 1838, was read the second time and referred to the committee on agriculture.

Mr. Chamberlain, leave being granted, offered the following resolution:

Resolved, That the House of Representatives be respectfully re-

quested to return to the Senate, the bill for the apportionment of Senators and Representatives, reported from the Senate to that body this morning, which was not adopted.

Bill No. 53, of the Senate, to amend an act organizing the Supreme Court, and defining its duties, was read the second time and referred to the same select committee to which was referred bill No. 50, of the Senate.

Bill No. 54, to declare a certain county road therein named, a State road, and for other purposes, was read a second time.

Mr. Lowe moved to postpone the further consideration of the bill to the first Monday in August next.

Which was not agreed to, and

The bill was ordered to be engrossed, and read the third time on Monday next.

Bill, No. 60, of the House, authorizing the issuing of a special writ of distringas in certain cases,

Was read the second time, and referred to the committee on the judiciary.

Bill, No. 62, of the House, providing for the discharge of insolvent persons, who are detained in prison for the non-payment of costs in criminal cases,

Was read the second time, and referred to the committee on the judiciary.

Bill, No. 65, of the House, for the relief of Mentor S. Johnson, collector of Clay county,

Was read the second time, and passed to a third reading.

Bill, No. 79, of the House, to prohibit the making, issuing, or circulating small notes or bills,

Was read the second time, and referred to the committee on finance.

Bill, No. 87, of the House, for the relief of Marshall S. Wines,

Was read the second time, and referred to the committee on finance.

Bill, No. 88, to authorize the transportation of the United States Mail over the bridges on the Madison and Indianapolis Rail Road,

Was read the second time, and laid on the table.

Mr. Arion presented to the Senate the annual report of the Madison Savings Institution,

Which was read, and laid on the table.

To the General Assembly of the State of Indiana:

In compliance with a requisition of the Charter of the Madison Savings Institution, the following report is made, viz:

Capital stock, -	\$100,000 00	Stock Notes, -	\$76,500 00
Exchange, -	4,023 87	Notes discounted, -	27,409 25
Interest account, -	2,282 84	Expenses, -	6,336 20
Premiums, -	359 46	Cash, &c. -	6,343 84
General deposits, -	7,048 47		
Special do. -	2,874 65		

\$116,589 29

\$116,589 29

MR. PRESIDENT:

The select committee to which was referred the petition of John Brown, of the county of Lawrence, praying for the passage of an act authorizing him as guardian of the infant heirs of Dixon Brown, dec'd., late of said county of Lawrence, to invest certain money belonging to said infant heirs in Bank stock, have had the same under consideration and have directed me to report a bill in accordance with the prayer of the petitioner.

Bill No. 58, to authorize John Brown to invest certain money in Bank stock for the use of heirs,

Was read the first time and passed to a second reading.

On motion of Mr. Chamberlain,

The report of the Chief Engineer concerning the Erie and Michigan canal, was taken from the table and referred to the committee on canals and internal improvements.

On motion of Mr. Harris,

Resolved, That when the Senate shall next adjourn, it will adjourn until Monday next, at the usual hour.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, leave being granted, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a communication of the Board of Internal Improvement on the subject of the amount of tolls received upon the New Albany and Vincennes Road; and also the tolls upon the Southern Division of the Central Canal; also the communication of said Board on the subject of the inquiry into the necessity of continuing the superintendents upon said works, have had the same under consideration. The first duty required of your committee by resolution of the Senate, is to ascertain the amount of tolls received upon said New Albany and Vincennes Road and how the same has been applied. Since this subject has been referred to your committee, they have received the report of the Superintendent on said road, and herewith submit it to the Senate as a part of this report.

Your committee have not been able to ascertain that any tolls have been received upon the Southern Division of said canal. They have conferred with the Board of Internal Improvement who know of no tolls having been received on said canal.

Your committee have received further information from said Board of Internal Improvement that there is no necessity for the continuance of said Superintendent upon said road and canal at an expense to the state of \$600 per annum. These superintendencies were authorized by an act of the legislature of last session, entitled, "An act relative to the New Albany and Vincennes McAdamized Road, and for the better regulation thereof, and for other purposes." Your

committee have directed me to report a bill repealing so much of said act as appoints said superintendents on said road and canal, their salaries and duties, which bill is herewith presented.

Bill No. 59, to repeal part of an act entitled an act relative to the New Albany and Vincennes McAdamized Road, and for the better regulation thereof, and for other purposes,"

Was read the first time and passed to a second reading,

The following message was received from the House of Representatives, by Mr. Hager their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate the House refuses to concur in the amendment of the Senate to joint resolution of the House, No. 71, entitled a joint resolution for the relief of David Rowles.

The Senate then recessed from their amendment.

On motion of Mr. Stevenson, the resolution offered by him a few days before, calling on the Chief Engineer to inform the Senate what work was in the greatest state of forwardness, and which would produce the greatest amount of revenue in proportion to future expenditure, was taken from the table.

On motion of Mr. Baird of St. Joseph, the resolution was indefinitely postponed.

Mr. Harris, from the committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the Senate, to wit:

No. 18, an act to extend the provisions of certain acts therein named, to the county of Grant;

No. 23, an act to vacate the town of Harrison, in Delaware county;

And find the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Butler, a member:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills of the Senate, viz:

No. 18, an act to extend the provisions of certain acts therein named to the county of Grant;

No. 23, an act to vacate the town of Harrison, in Delaware county;

I am directed to bring the same to the Senate for the signature of the President thereof.

The President signed said bills.

Mr. Harris from the committee on enrolled bills, reports:

MR. PRESIDENT:

The joint committee on enrolled bills report, that they did on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills of the Senate to-wit:

No. 18, an act to extend the provisions of certain acts therein named to the county of Grant;

No. 23, an act to vacate the town of Harrison, in Delaware county.

On motion, the Senate adjourned.

MONDAY MORNING, JAN. 4, 1841.

The Senate assembled.

Mr. Morgan presented the petition of Daniel Moss and other citizens of Decatur county, in relation to Robert Barkly, of said county, a lunatic;

Which was read and referred to a select committee.

Ordered, That said committee consist of Messrs. Morgan, Clark and Lowe.

Mr. Eggleston presented the petition of William Tilly and others, citizens of Switzerland county, praying the passage of an act authorizing the county commissioners of said county, to establish a toll on a certain bridge in said county;

Which was read and referred to a select committee.

Ordered, That said committee consist of Messrs. Eggleston, Armstrong and Angle.

Mr. Harris presented the petition of sundry citizens of Carroll county, asking that a Branch of the State Bank of Indiana may be established at Delphi in said county;

Which was read and referred to the standing committee on the State Bank.

Mr. Dobson offered the following resolution:

Resolved, That the State Board of Internal Improvement be requested to inform the Senate what amount it will take to complete the Madison road, and what per cent. it will yield upon the entire cost; also what amount it will take to finish the Cross-cut canal, and the Southern end of the Central canal from Evansville to its junction

with the Cross-cut canal, and what per cent it would pay upon the entire cost; taking into view its ultimate connexion with the Wabash and Erie canal at Terre Haute, which will be finished to that point by the General Government. In answering the above, the Board will please state precisely the amount already expended on each of the works above named, the amount to be expended, and the aggregate of the entire cost upon each when completed.

Mr. Nave moved to amend by adding as follows: "And which of all the works when completed will accommodate the greatest portion of the citizens of this state."

Mr. Watts moved to amend the amendment as follows: "And also what it would cost to McAdamize the Michigan road from the Lake to the city of Madison;"

Which was adopted.

Mr. Arion moved further to amend the amendment by adding as follows: "And also which of the public works will yield the greatest amount of interest to the state when finished, in proportion to the amount to be expended in order to complete the same;"

Which was agreed to.

The question being taken on the amendment of Mr. Nave as amended, it was decided in the affirmative.

Mr. Angle moved further to amend the resolution by adding after the words "Southern end of the Central canal," as follows: "And also that portion of the Central canal lying north of Indianapolis;"

Which was agreed to.

Mr. Baird of St. Joseph offered the following as an amendment, viz: "And whether the Erie and Michigan canal, commonly called the Northern canal, if finished, would not outstrip any work of the system in profits to the state and nation;"

Which was adopted.

Mr. Morgan moved further to amend by adding: "And also whether the Michigan road will not accommodate a larger portion of citizens than either of the works named;"

Which was agreed to.

Mr. Dobson moved to amend said resolution by adding: "Also whether Treasury Notes have been paid to contractors on the Madison road, and if so, by whom and by what authority, and what amount has been so paid;"

Which did not prevail.

Mr. Harris moved to refer the resolution and amendments to the committee on modification;

Which was not agreed to.

Mr. Thompson moved the following amendment: "Also if practicable ascertain the value of the Florida lands taken as security for the Bonds sold to the Morris Canal company by the President of the State Bank;"

Which did not prevail.

Mr. Baird of St. Joseph moved to amend as follows: "And whether it would not be good policy to tap Lake Michigan so as to make a river south with the Ohio as big as the Mississippi;"

Which was not adopted.

Mr. Armstrong moved to strike out all after the resolving clause and insert the following:

"That the Board of Internal Improvement inform the Senate by statement in tabular form, what amount of money has been expended on each of the several works named in the act to provide for a general system of Internal Improvement, the amount requisite to complete each work; also to inform the Senate which of the works when completed will probably produce the largest amount of interest, in proportion to the whole cost; and also in proportion to the amount yet requisite to complete;"

Which was agreed to.

Mr. Thompson moved to lay the resolution as amended on the table;

Which did not prevail.

And said resolution as amended was adopted.

Mr. Stevenson, leave being granted, offered the following resolution:

Resolved, That the State Board of Internal Improvement be requested to inform the Senate the amount that would be required to finish the grading and bridging that part of the Jeffersonville and Crawfordsville road North of Greencastle; also that part of the Indianapolis and Lafayette road, north of Crawfordsville;

Which was adopted.

Mr. Nave, leave being granted, offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the 38th section of an act entitled an act relative to crime and punishment, approved Feb. 10, 1838, so as to specify and define definitely what shall hereafter constitute a public nuisance in this state, with leave to report by bill or otherwise.

Which was adopted.

Mr. Cravens, leave being granted, offered the following resolution:

Resolved, That the committee on finance be directed to inquire into the expediency of authorizing the owners of the lands mortgaged to the State by stockholders of the Lawrenceburgh and Indianapolis Rail Road Company, to make sale of such portion of such land, as they may think proper, by such owner paying to the Treasurer of State at such place as he may direct, a sum equal to the amount for which said parcel, so proposed to be released) is holden; and that upon such payment, the State release her lien on so much thereof as may have been paid out as aforesaid;

Which was adopted.

Mr. Baird of St. Joseph, leave being granted, offered the following resolution:

Resolved, That the committee on finance enquire into the expediency of reporting a bill, fixing the time of making assessments between the first of February and the first of June, instead of between the first March and first May, as now required by law, and also to enquire into the expediency of extending the time of paying over the revenue until the first of January;

Which was adopted.

Mr. Dobson, leave being granted, offered the following resolution:

Resolved, That the State Board of Internal Improvement, be requested to inform the Senate, whether treasury notes have been paid to contractors on the Madison Road; if so, by whom and by what authority, and what amount have been so paid; and whether said contractors relinquished, their contracts;

Which was adopted.

Mr. Berry introduced bill No. 60, to incorporate the "Indiana Iron Manufacturing Company;"

Which was read the first time, and

On motion of Mr. Berry, the rule was suspended, and the bill read the second time and referred to the committee on corporations.

Mr. Ewing from a select committee, leave being granted, made the following report, which was read, and

On motion of Mr. Wright, laid on the table.

Mr. PRESIDENT—

The select committee to whom was referred so much of the Ex-Governor's message as relates to the Wabash and Erie Canal, have had that subject under consideration, and have instructed me to make the following report:

They unite in his Excellency's recommendation to accept the 69,883 acres of land selected and reported, in lieu of certain Indian Reservations, and consider that the State is justly entitled to a confirmation of them by the Federal Government; and they have read with great satisfaction the *announcement* in his message, and in the report of the Chief Engineer and Acting Commissioner, "of the opening of navigation throughout the whole length of this canal, from the state line to Lafayette—canal boats having already made several trips between those points.

The unfortunate delays, and not letting our eastern part from Fort Wayne to the Ohio line until 1837, doubtless retarded the operations on the Ohio division. That State, by liberal appropriations and supplies of means has shown her desire to effect a simultaneous completion of this great work in both States; yet from the very great delays and extraordinary course pursued by the *Commissioner* in charge of the Ohio division, as developed in the Chief Engineer's report and correspondence with him, it is to be feared that further delays may be expected, without extraordinary efforts, as suggested by our Chief Engineer are made, by the application of a *State power*, or re-letting in very small contracts, &c.

This change of operation in the Ohio division is of immense im-

portance to Indiana, otherwise intelligent citizens on the line in Ohio, think that the reservoir near our line, now barely begun, after wasting one and a half years in its mere location, and the other works on the line, will not be finished for 3 or 4 years, and navigation to Lake Erie may remain blocked up for as many seasons.

The annual loss occasioned by this to our citizens upon goods imported and salt and produce they could export through this route, will not fall far short of a million dollars. The *actual* loss is the interest on two million dollars, \$120,000 invested.

This view of the subject has induced the committee to recommend that a commissioner, in lieu of a Superintendent, be elected to reside in the eastern part of the Indiana division; his salary to be paid out of the proceeds of canal lands, *personally* superintend this great interest, its lands and especially to watch over and protect as far as possible the great Feeder Dam on the Little St. Joseph River, in the vicinity of the city of Fort Wayne, which supplies the summit section, and east to the Ohio reservoir. The destruction of this might occasion a loss of the use of this canal some two or three years, as it required that time to build it; to enlarge the feeder and to arrange with Ohio for a supply of her reservoir as recommended by the Chief Engineer, and a final completion of other items of work necessary in the construction and preservation of this canal to give ample bonds for a faithful performance of his duty, receipts and expenditures of money, and to be responsible directly to the Legislature, and not to another officer, as in the case of Superintendents now employed; that the investment of two millions of dollars demands such personal attention. The committee further recommend, that this commissioner repair to the seat of government of Ohio, without delay—announce the opening of navigation throughout our whole line, confer with their Board of Public works as to their desired supply of water for their reservoir, as suggested by the Chief Engineer of this State, and respectfully urge upon the consideration of the members of the Legislature of that State, the adoption of "extraordinary efforts" as he recommends, that in no event may the opening of navigation to Lake Erie be delayed longer than the month of March, 1842, and to Defiance sooner if possible. Most of the lands offered and remaining unsold, are situated in the vicinity of the city of Fort Wayne, in Allen and Huntington counties, and at this place the entries can be most conveniently made. Add to this the importance of the personal superintendence of the great feeder dam supplying the Ohio reservoir, the vicinity to the Ohio division, where the commissioners can meet and confer upon all matters of mutual interest to the divisions in both states, has induced a majority of the committee to recommend that the office of the commissioner be kept where it has been for the last 8 or 10 years, at the city of Fort Wayne, and which was always considered the proper point for the public interest; the public sale was ordered last year at Peru, but no expectation other than that the office would remain where it always had been located to the general satisfaction of the country.

As soon as navigation is opened to Lake Erie, Indiana may anticipate a revenue annually, at least equal to the interest of the money invested in this work, viz: \$120,000, besides repairs. These considerations have induced the committee to offer for the consideration of the Senate, the accompanying Joint Resolution, and they respond as to the recommendation of the Chief Engineer; that Script or Treasury Notes should be issued for the accommodation of the meritorious contractors, who continued their work, and to whom there is yet due and to be paid \$86,587 from the proceeds of the canal lands: and that like issues may be made to enlarge the St. Joseph feeder, and do other items of work, necessary in the construction and preservation of these works.

Provisions should be made for the sale of the 69,883 acres of selected lands when confirmed.

All which is respectfully submitted.

Joint resolution No. 61, in relation to the Wabash and Erie canal, was read the first time and passed to a second reading on to-morrow.

Mr. Eggleston introduced bill No. 62, to suspend the further prosecution of the public works, and for other purposes;

Which was read the first time and passed to a second reading.

ORDERS OF THE DAY.

Bill No. 54 of the Senate to declare a certain county road therein named, a state road, and for other purposes, was read the third time, and,

On motion of Mr. Lowe, referred to a select committee of Messrs. Lowe, Clark, and Nickel.

Bill No. 65 of the House, for the relief of Mentor S. Johnson, collector of Clay county, was read the third time and passed.

Joint resolution No. 69, of the House, in relation to the Sub-treasury, was read, and

On motion of Mr. Parker, referred to the committee on federal relations.

Mr. Harris moved the following instructions: "to inquire whether we ought not to leave the whole matter to the wisdom of Congress;" Which was not agreed to.

Bill No. 92, of the House, to authorize the commissioners of the White river bridge, to make settlement, was read the third time.

Mr. Nave moved to commit the bill to the judiciary committee; Which was agreed to.

Bill No. 56, of the Senate, to authorize the sale and transfer of lands reserved for canal purposes, was read the second time and referred to the committee on canals and internal improvements.

Bill No. 57, of the Senate, to provide for the improvement of the Michigan Road, was read the second time.

Mr. Angle moved to commit the bill to a select committee.

Mr. Watts moved to amend the motion, by referring it to a select

committee, composed of Senators living in counties through which the road passes;

Which motion prevailed.

Bill No. 58, of the Senate, to authorize John Brown to invest certain money in bank stock for the use of heirs, was read the second time and referred to the committee on the judiciary.

Bill No. 59, of the Senate, to repeal part of an act entitled an act relative to the New-Albany and Vincennes McAdamized road, approved ———, and for the better regulation thereof, and for other purposes;

Was read the second time and passed to a third reading on tomorrow.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, leave being granted, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred the petition of Chancey P. Smith and others, have had the same under consideration and think the subject matter prayed for requires legislative interposition. They have therefore directed me to report the following bill;

Bill No. 63, in relation to tolls upon the public works in Indiana;

Was read the first time and passed to a second reading.

On motion, the Senate adjourned.

2 o'clock. P. M.

Senate assembled.

The President laid before the Senate the following communication from J. L. Williams, Esq., which was read, and

On motion of Mr. Harris,

Referred to a select committee of Messrs. Harris, Wright and Ewing;

INDIANAPOLIS, Jan. 2, 1841.

HON. SAMUEL HALL,

President of the Senate:

SIR: Please lay before the Senate the enclosed report, in answer to a resolution of that body.

Very respectfully,

J. L. WILLIAMS.

CHIEF ENGINEER'S OFFICE,
Indianapolis, Jan. 1, 1841. }

HON. SAMUEL HALL,

President of the Senate:

Sir:—In obedience to a resolution of the Senate of the 25th ult., directing the undersigned "to report to the Senate, whether in his payment to contractors on the Wabash and Erie canal for work done during the last summer, he regarded the steamboat lock, near Delphi, as a part of said canal; and, if not, what reasons induced him to refuse recognizing said lock as constituting a part of said canal," the following statement is respectfully submitted.

The payments for the construction of the Wabash and Erie canal, made during the last season, have been restricted rigidly to those portions of work necessary to the opening of the navigation of the canal from the State line to Lafayette. The unpaid drafts for work on this canal, amounting to \$86,587 47, as stated in my annual report, (page 22,) do not include any portion of the work done on the steamboat lock at Delphi.

The laws of the last session directed the completion of the Wabash and Erie canal within the year now passed, if practicable. The early opening of this work was deemed of much importance, particularly on account of its supposed influence on the progress of the work in Ohio. The only fund provided for payment was the proceeds of the land sale, by the terms of which, only one fourth was required to be paid in hand. It was very evident to the Board, as well as to the contractors, that after confining the proceeds of this sale in its application to the canal proper, it would pay but a small portion of the labor required to finish it. Had this small fund been divided between the canal and the steam boat lock, (that being an extensive job,) the proportion falling to the canal would have been so small, as to have discouraged the contractors; and, in all probability, defeated the opening of the navigation for this season—an object considered by the Board and by the citizens of the Upper Wabash, with whom I conversed, as paramount to any other. Under these circumstances, the Board did not hesitate to apply the proceeds of the canal lands wholly to the completion of the canal; and they notified the contractors for the steam boat lock of this determination early in the season. The lock contractors, having work on the canal, did not resume operations on the lock until September last, since which time they have progressed rapidly.

I have not received a return of the amount due the contractors on the steam boat lock; but it must amount to several thousand dollars. And if they continue their operations, and finish the lock next year, a further sum of thirty or thirty-five thousand dollars will be required to pay for the work as it is performed.

Should the Legislature decide that the payments on this lock be made out of the canal lands, it will be necessary to provide some

means of payment in anticipation of the sales. The lands remaining unsold are valued at \$142,340. It is not reasonable to suppose that over one half of these lands will sell during the ensuing year, if so much. If half be sold, but one fourth of the amount of sales will be paid down, which will give \$17,792. The second payment on the sales of last year, will be due in October, and will amount to \$19,000, making the sum of \$36,792 as the whole probable proceeds of the sale of lands for the next year.

The outstanding drafts drawn in anticipation of the proceeds of the land sales, for work done on the canal last year, as before stated, amount to \$86,587 47

Work to be done next year on the canal, in protecting bluffs with stone, building the tow path bridge, enlarging St. Joseph feeder, &c., as stated in my annual report, page 25, 57,375 00

Total required on the canal, \$143,962 47
Add the sum which will probably be due on the steam boat lock, including the work already done, 35,000 00

\$178,962 47

Shewing a very large deficiency, unless some means of payment be provided in anticipation of the sales of land.

In addition to the lands above named, the State will probably come in possession of the lands selected in lieu of the Indian grants, valued at \$202,458. But this requires first the favorable action of Congress upon our claim, which cannot be expected in time to make these lands available for the next year's operations. Should these selections be confirmed, the State will ultimately derive from the grant of lands east of the Tippecanoe, an ample fund for the full completion of the canal to Lafayette, together with all the necessary protection and appendages.

Respectfully submitted,

J. L. WILLIAMS.

Mr. Clark, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate No. 34, entitled a bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17th, 1838, with instructions to strike out the 4th section, and also so much of the bill as makes special bail liable after trial, when the principal shall have appeared, have accordingly performed that duty, and have directed me to report the same back to the Senate, and most respectfully ask their concurrence.

Mr. Moffatt moved to indefinitely postpone the report and bill; Which did not prevail, and the amendment was concurred in.

On motion of Mr. Nave,

Said bill was recommitted to the committee on the judiciary.

The President laid before the Senate the following communication from the Treasurer of State, which was read and laid on the table.

TREASURER'S OFFICE,
Indianapolis, Jan. 4th, 1840. }

To the Hon. General Assembly of Indiana:

In obedience to the act of the 8th February, 1836, concerning the State House, the undersigned submits the following bill of expenses incurred, and disbursements made under the provisions of said act.

In the schedule of expenditures here presented, a considerable amount will be seen to have accrued during and incident to the last General Assembly.

It has been the practice of the undersigned, as far as could be ascertained, to procure in advance of the session, all and every article of stationery and furniture necessary for the use and comfort of the members; but notwithstanding such preparation, many small articles are ordered by the members and officers of the two houses, and are procured by the door-keepers during the session.

These accounts tend greatly to swell the disbursements under this head, although not properly belonging to it.

By the act of the last session, the Treasurer of State was directed, if he should think it expedient, to procure insurance on the State House, in such amount as he should think advisable, not less than \$20,000, to be continued for three years. The undersigned has not deemed it expedient to effect such insurance. If the General Assembly shall desire the insurance of the building, it will perhaps be advisable to make peremptory provision therefor.

The original vouchers for the several payments will be submitted to the proper committee, a schedule of which is herewith annexed.

All of which is respectfully submitted,

N. B. PALMER,
Treasurer of State.

The payments on account of State House and incidental expenses of the last General Assembly during the financial year of 1840, are as follows, viz:

No. 1. S. A. Fletcher bill sundries,	\$10 06
2. J. E. Stretcher, repairing clocks,	2 87
3. J. Levi, smith work,	3 75
4. Morrison & McDougal, candle sticks, &c.	4 00
5. M. Shea, work at State House,	6 00
6. L. Ellock, repairing carpet,	3 00
7. Morrison & Talbott, glass and queensware, stationery, &c.	91 70

No. 8. B. Pottage, bill hardware, -	35 25
9. Espy & Sloan, repairing furniture, -	8 75
10. J. L. Mothershead, bill sundries, -	8 25
11. Tucker & Weaver, repairing furniture, &c. -	29 60
12. H. P. Todd, repairing pump, -	1 00
13. N. N. Norwood, glazing, -	3 00
14. Bonner & Clark, work at State House, -	4 00
15. J. Cohen, glazing, -	1 50
16. J. Michael, work at State House, -	2 50
17. M. Shea & J. Conner, " -	4 00
18. P. Fin, " -	3 00
19. B. F. Davis, for brooms, -	1 00
20. J. H. Wright, carpeting, &c. -	55 69
21. Tomlinson & Sullivan, stationery, &c. -	60 75
22. H. Colstock for out-buildings, &c., -	46 00
23. V. & C. Hanna stationery, -	62
24. C. & J. Cox, repairing roof, &c. -	91 50
25. S. A. Fletcher, for lumber, -	2 25
26. H. Orr & Co., brooms, -	1 00
27. Seibert & Buehler, bill sundries, -	59 62
28. H. Colstock, re-laying floor in Treasurer's office, -	13 00
29. A. & C. Higgins, for mats, -	18 50
30. J. McCormack for shrubery, -	5 00
31. A. Hartman, work at wood, -	2 87
32. H. M. Wilson, for nails, &c. -	2 41
33. M. Davenport, for brooms, -	2 00
34. H. Colstock, blinds for water closet, -	28 75
35. J. S. Walker, repairs in Hall, -	7 50
36. J. Gaby, repairing roof of Treasurer's office, -	10 75
37. Norwood & Statts, painting, &c. -	18 75
38. H. Deviny, taking up and laying carpet in Hall, -	33 00
39. Tucker & Weaver, frames for library, -	2 25
40. M. Shea and work at State House, -	12 75
41. J. O'Connor, " " -	7 00
42. H. Griffith, bill sundries; -	14 00
43. D. Winslow, work at State House, -	3 50
44. H. P. Todd, repairing pump, &c. -	10 90
45. M. Shea, work, -	10 87
46. J. S. Walker, making and repairing wood boxes, -	8 37
47. M. Stapp & Co. and others, freight and transportation, -	15 45
48. H. B. Orn, for carpeting, &c. -	599 56
49. N. H. Morrison & Co. freight, drayage, &c. -	38 52
50. Sundry incidental expenses, -	3 37

Mr. Roberts, leave being granted, made the following report from a select committee:

MR. PRESIDENT—

The select committee to which was referred the petition of Benj. E. Morris and Keziah Cavit, praying for a divorce for each, have had the subject under consideration, and have directed me to report the following bill, granting the prayer of said petitioners, and recommend its passage.

Bill, No. 64, to divorce Benjamin E. Morris and Keziah Cavit, Which was read the first time, and,

On motion of Mr. Roberts,

The rule was suspended, and said bill read the second time.

Mr. Collins moved to refer the bill to the committee on the judiciary, Which was not agreed to.

On motion of Mr. Moffatt,

Said bill was referred to the committee on modification.

The President laid before the Senate the following communication from the Treasurer of State,

Which was read, and referred to the committee on finance.

TREASURER'S OFFICE, }
Indianapolis, January 4, 1840.

To the General Assembly of Indiana:

The undersigned, Treasurer of State, in the annual report in relation to the finances of the State, communicated to the General Assembly at the opening of the present session, gave the opinion "that an amount of funds, other than Treasury notes, would be paid into the Treasury for revenue, which, with the amount the Fund Commissioners will be able to deposit to the credit of the Treasurer of State, under the joint resolution of the 24th February last, would be adequate to the discharge of all claims upon the Treasury, for the ordinary expenses of the State for the year 1841. And it was also indicated, that, if in the course of payments of revenue at the Treasury, this prediction should fail to be realized, the General Assembly would be advised of the fact."

The payments of revenue being now nearly completed, and it being found that almost the entire revenue has been paid in Treasury notes, it has become my duty to advise the General Assembly thereof, and of the amount which it will be necessary to provide to supply the deficiency, and enable the Treasury to meet the current demands for the civil list for 1841.

The Fund Commissioners at their meeting in October last, determined on depositing to the credit of the Treasurer of State, as contemplated in said joint resolution, the Bank dividends on the stock created by the Surplus Revenue, and the interest on loans of the

same fund, under charge of the Sinking Fund Commissioners, which it is estimated will produce about \$44,000.

The periods at which this amount would be available, would be, about \$17,000 in October, 1840; \$17,000 in May, 1841, and \$10,000 in July, 1841.

It was also thought advisable by the Fund Commissioners, in like manner, to deposit to the credit of the Treasurer of State, the amount which should be received as interest on canal lands, in the event of the revenue being mainly paid in Treasury notes.

If this be done, it will enable the Treasury to meet the demands of the civil list for the current year, as the amount arising from this last item (interest on canal lands,) will be available during the present session of the General Assembly, when the main portion of the disbursements of the year require to be made.

I would respectfully recommend that this course be adopted, rather than resort to a temporary loan.

If the General Assembly shall, however, deem it more advisable to authorize a loan, in preference to the course above suggested, it will become necessary, with as little delay as possible, to make such provision for an amount at the discretion of the Treasurer of State, not exceeding \$30,000.

The undersigned deems it proper here to remark, that the funds proposed to be deposited to the credit of the Treasurer of State, to be applied to the ordinary expenses of the government, are, by law, set apart for the payment of interest on the public debt.

It is not intended, by the present proposed application of the funds, to divert it from the object for which it is pledged, but merely to exchange western funds for such as may be otherwise raised in the east, using the latter there for interest, by which the cost and difficulty of procuring exchange is obviated.

If there should be a semblance of impropriety in this course, it will most certainly find a palliation in the fact, that the revenue levied for the ordinary expenses of the State, has been absorbed in payment of principal and interest on the public debt in redemption of Treasury notes.

If, then, there shall be no action on the part of the General Assembly in relation to the matter, it will be regarded as an approval of the foregoing recommendation, and reliance will be had for the necessary means, from the sources above suggested.

This communication covers the objects of inquiry embraced in the resolution of the Senate of the 31st December, in relation to the same subject.

Respectfully,

N. B. PALMER,

Treasurer of State.

Mr. Parker, leave being granted, presented the petition of Aaron G. Geneher and others, citizens of Union county, praying for further time of payment to the purchasers of the school section,

Which was, on motion of Mr. Parker, laid on the table.

Mr. Thompson, leave being granted, presented the petition of Charles Springer and others, citizens of Crawford county, in relation to a State road,

Which was read, and,

On motion of Mr. Thompson, referred to a select committee.

Ordered, That said committee consist of Messrs. Thompson, Collins and Kinzer.

Mr. Wright, leave being granted, made the following report, from a select committee:

MR. PRESIDENT—

The select committee to whom was referred the following resolution—*Resolved*, that a select committee be appointed to inquire into the expediency of making the drafts of the Fund Commissioners for work done upon the Wabash and Erie canal receivable in payment for the interest and the residue of the purchase money of the Wabash and Erie canal lands sold, or hereafter to be sold, with instructions to report by bill or otherwise, have had the same under consideration, and deem that legislation upon this subject is called for justly by persons holding drafts upon our Fund Commissioners. These drafts were given by our Canal Commissioners, to contractors, for the balance due upon their several contracts, after paying a proportionate amount of the proceeds of the canal land sales of last November to each contractor. That said drafts bear no interest; and the amount due by the State to these various contractors, is in such a condition that their claims or drafts are almost worthless. We find that by the 6th sec. of an act providing for selecting, rating, and selling lands yet unsold on the Wabash and Erie canal, &c. approved February 24, 1840, provides, "that a sufficient amount of the first proceeds of said lands and loans heretofore authorized for said Wabash and Erie canal, are hereby appropriated, and shall be applied to the speedy completion of said canal as heretofore directed by law, and that the balance of the work yet to be done on said eastern portion of said canal in this State may be finished the next season if practicable."

In this section of the statute, we find the faith of the State pledged and the Wabash and Erie canal lands, and loans appropriated for the purpose of the completion of this canal. The contractors upon this line had written contracts with the Canal Commissioners, by which they were to be paid estimates in cash, monthly. The State of Indiana, in her pecuniary embarrassments, was unable to meet her contracted engagements, and said contractors have proceeded throughout the past season with their labor, and many have exhausted their little property for the purpose of completing their contracts, anticipating the speedy payment of their final estimates; drafts were then issued by the Canal Commissioner, which neither bear interest or are they receivable for canal lands, or the interest upon the unpaid purchase money.

The Legislature of last winter appropriated and pledged the lands ceded to Indiana for the completion of this canal, and we would deem it a violation of the plighted faith of the State, to divert the funds arising from the sales of these lands to any other purpose, and your committee would recommend the passage of an act for the relief of said contractors, and would report the following bill, and recommend its passage:

Bill No. 65, for the relief of contractors upon the Wabash and Erie canal and for other purposes; was read the first time, and passed to a second reading.

Mr. Eggleston, leave being granted, introduced joint resolution No. 66, in relation to a National Bank, which was read the first time, and,

On motion of Mr. Eggleston,

The rules was suspended, and said joint resolution was read the second time, and referred to the committee on the State Bank.

Mr. Harris, leave being granted, introduced joint resolution No. 67, relative to the steam-boat lock near Delphi, which was read the first time, and passed to a second reading on to-morrow.

Mr. Baird of St. Joseph, leave being granted, offered the following resolutions:

Resolved, That the committee on federal relations, be instructed to inquire into and report to this Senate, the distributive share of Indiana to the proceeds of the sales of public lands, according to Mr. H. Clay's Land Bill, the whole amount thereof from the time of the passage of the same up to this period. Also the equitable, if not the legal right of said State and the several States in the confederacy, of asserting their claims thereto.

Second. That said committee inquire whether, in their opinion, the President of the United States was not guilty in disappointing the just expectations of the public, when instead of approving said bill he retained the same contrary to the will of the sovereign people, as expressed by the overwhelming voice of their Representatives.

Third. That should said committee ascertain the preceding matters affirmatively, that then they determine the propriety of informing our members in Congress, by preamble and joint resolution, to encourage them to ask from the General Government the whole amount we would have received, had the President approved and signed said land bill.

Fourth. That said committee inquire into what might have been the probable profits arising from said distributive share, had the same been funded in our State Bank and Branches, as an increase to her capital stock.

Fifth. That said committee report the result of their investigations to this Senate, as soon as practicable.

Which was adopted.

Mr. Cravens, leave being granted, made the following report from a select committee:

MR. PRESIDENT—

The select committee to which was referred a joint resolution, No. 16, relative to a distribution of the proceeds of the public land, report, that they have amended the same as follows, viz: after the word "government," in the first resolution, insert the words "as it existed prior to the commencement of the administration of President Van Buren."

The amendment was concurred in by the Senate, and said joint resolution referred to the committee on Federal relations.

Mr. Williams, from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report that they have compared the following enrolled with the engrossed bills of the Senate and find the same truly enrolled, to wit:

No. 26, an act for the relief of William H. Evans.

No. 30, an act to amend an act, entitled, an act regulating grist mills and millers, approved Feb. 10, 1831.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills of the Senate, viz:

No. 26, an act for the relief of Wm. H. Evans.

No. 30, an act to amend an act, entitled, an act regulating grist mills and millers, approved Feb. 40, 1831.

I am directed to bring the same to the Senate for the signature of the President thereof.

The President signed said bills.

The joint committee on enrolled bills report, that they did on this day, present to his Excellency the Governor, the following bills of the Senate, for his approval and signature, to wit:

No. 26, an act for the relief of Wm. H. Evans.

No. 30, an act to amend an act, entitled, an act regulating grist mills and millers, approved Feb. 10, 1831.

On motion, the Senate adjourned.

TUESDAY MORNING, JANUARY 5, 1841.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

Mr. PRESIDENT—

I am directed to inform the Senate, that the House of Representatives has passed the following engrossed bills thereof, viz:

No. 1, a joint resolution on the subject of amending the constitution of the United States;

No. 69, An act to incorporate the Laughery Bridge Company;

No. 96, an act to vacate a part of the town of Bowling Green, in Clay county;

No. 122, a joint resolution, relative to the election of President and Vice President of the United States,

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 1, named in the above message, and bills Nos. 96 and 122, were severally read the first time, and passed to a second reading.

Bill No. 69, in the above message, was read the first time, and

On motion of Mr. Thompson, the rule was suspended, and said bill was read the second time, and referred to the committee on corporations.

Mr. Beard of Montgomery, from the committee on finance made the following report:

Mr. PRESIDENT:

The committee on finance to whom was referred a bill for the relief of Marshall S. Wines have, according to order, had that subject under their consideration, and directed me to report the same back to the Senate, and recommend that it be indefinitely postponed.

On motion of Mr. Ewing, the bill named in the above report, was recommitted to the committee on claims.

Mr. Baird of St. Joseph, made the following report, from the judiciary committee:

Mr. PRESIDENT—

The judiciary committee to whom was referred an engrossed bill of the House of Representatives, No. 24, entitled "a bill to amend the practice in suits in Chancery," have, according to order, had the same under consideration, and directed me to report, that in the opinion of said committee, the ends of justice can be better subserved by allowing all those causes where any of the president judges of this State may be interested, either personally or as counsel, or related to either of the parties in any cause in Chancery, to be tried and determined in the Supreme Court as now by law. Your committee are aware of some of the difficulties that attend the procrastination of the trials of these causes. These difficulties exist in part, from the fact, that the judges of the Supreme Court do not receive a sufficient compensation to enable them to devote more of their time to the determination of causes in this court, and from the fact that, as our law now is, many

causes find their way into this Court which are of a small and trifling nature, and such as should not be allowed to be brought to the Supreme Court, often times costing the parties two fold the amount in controversy, for attorneys' fees and other charges. All this, too, frequently, for the mere gratification of a vain ambition. These small causes tend to lengthen the terms of the Supreme Court days and weeks, for they require investigation into important legal principles, which principles are to be pronounced upon the maturest reflection. This requires time—it requires labor. Your committee believe, that these hallucinations of the brain which bring such causes hither, should be removed, that parties may be prevented from imposing so much useless labor upon said court.

With these views, your committee have directed me to report said bill back to the Senate with one amendment, which is, to strike the same out from the enacting clause, and insert the following:

A bill, No. 24, to amend the practice in suits in chancery.

The question being on concurring in the amendment of the committee,

And the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. Joseph, Blair, Carnan, Carr, Collins, Everts, Ewing, Harris, Nave, Test, Williams, and Wright—13.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Bell, Berry, Clark, Cravens, Dobson, Elliott, Foster, Hackett, Hanna, Hargrove, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, and Watts—30.

So said amendment was not concurred in.

Mr. Elliott moved to amend the bill as follows:

That the Supreme court shall not hereafter have jurisdiction of any suit or matter, which was commenced before a justice of the peace, and when the amount in controversy, exclusive of interest and costs, does not exceed thirty dollars. Any law which conflicts with the provisions of this section, be, and the same is hereby repealed.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Blair, Carnan, Carr, Clark, Collins, Cravens, Elliott, Ewing, Hargrove, Herriott, Lowe, Moffatt, Mount, Riley, Watts, Williams, and Wright—22.

Those who voted in the negative were,

Messrs. Bell, Berry, Dobson, Everts, Foster, Hackett, Hanna, Harris, Hoover, Kinzer, McCord, Morgan, Nave, Nickel, Parker, Roberts, Stafford, Stevenson, Tannehill, Test, and Thompson—21.

Said amendment was adopted.

Mr. Elliott moved to amend further, as follows:

That the judges of the Supreme Court shall be allowed three hundred dollars each, in addition to their present annual salary, to commence on the first day of January, 1841.

Mr. Moffatt moved to amend the amendment by striking out \$300 and inserting \$500.

A division being called, the question was on striking out;

And before any decision was had thereon,

The Senate adjourned.

2 o'clock P. M.

The Senate resumed the consideration of the amendment to the amendment, which was pending at the last adjournment.

The question being on striking out, on the motion of Mr. Moffatt,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Beard of M., Bell, Harris, Herriott, Moffatt, Morgan, Nave, Parker, Stevenson, Tannehill, Thompson, and Watts—12.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Baird of St. J., Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Foster, Hackett, Hanna, Hargrove, Hoover, Kinzer, Lowe, McChord, Mount, Nickel, Riley, Roberts, Stafford, Test, Williams, and Wright—29.

So the motion to strike out did not prevail.

The question recurring on the amendment of Mr. Elliott,

The ayes and noes were demanded,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Baird of St. J., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Everts, Harris, Hoover, Nave, Parker, Test, Williams and Wright—17.

Those who voted in the negative were,

Messrs. Angle, Beard of M., Bell, Berry, Dobson, Foster, Hackett, Hanna, Hargrove, Herriott, Kinzer, Lowe, McCord, Moffatt, Mor-

gan, Mount, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, and Watts—24.

So said amendment was not adopted.

The question then being on ordering the amendments to said bill to be engrossed for a third reading,

And the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Beard of M., Blair, Carr, Clark, Cravens, Hargrove, Kinzer, Lowe, McCord, Moffatt, Mount, Parker, Riley, Roberts, Test, Watts, and Williams—18.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. J., Bell, Berry, Carnan, Collins, Dobson, Eggleston, Everts, Foster, Hackett, Hanna, Harris, Herriott, Hoover, Morgan, Nave, Nickel, Stafford, Stevenson, Tannehill, Thompson, and Wright—24.

So said bill was lost.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill of the Senate,

No. 45, an act for the appointment of Senators and Representatives in the General Assembly of the State of Indiana, with sundry amendments,

In which the concurrence of the Senate is respectfully requested.

On motion of Mr. Baird of St. Joseph, the amendments to the bill, were considered separately.

Mr. Moffatt moved to concur in the amendments of the House, wherever Vigo, Sullivan, and Clay counties, are mentioned;

Which was agreed to.

Mr. Lowe moved to concur in the second amendment of the House to said bill, with an amendment; which was to strike out of the original bill so much as provided for a floating member to the county of Jefferson, and insert that said float be given to Rush and Jefferson alternately, commencing with Jefferson;

Which motion was, by the President, decided out of order, from which decision Mr. Lowe took an appeal.

And, on the question, shall the decision of the chair be sustained?

It was decided in the affirmative.

Mr. Tannehill moved that the Senate disagree to the 3d, 4th and 14th amendments, in relation to the counties of Bartholomew, Brown and Monroe, &c.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Berry, Clark, Dobson, Elliott, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, Morgan, Nave, Nickel, Riley, Roberts, Tannehill, Thompson and Watts—21.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Carnan, Collins, Cravens, Everts, Herriott, McCord, Moffatt, Mount, Parker, Stafford, Stevenson, Test, Williams and Wright—21.

The President voted in the affirmative.

So said motion prevailed.

The 5th amendment of the House to said bill was concurred in.

The 6th amendment of the House to said bill in relation to Blackford and Jay, being in order,

Mr. Foster moved that the Senate disagree to said amendment;

Which did not prevail, and the amendment was concurred in.

The 7th, 8th, 9th, 10th, 11th, 13th and 14th amendments of the House to said bill, were severally concurred in by the Senate.

Mr. Thompson moved to reconsider the vote taken on Mr. Tannehill's motion to disagree to the 3d amendment of the House to said bill, in relation to Bartholomew and Brown counties.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Carnan, Collins, Cravens, Eggleston, Everts, Herriott, McCord, Moffatt, Morgan, Mount, Parker, Stafford, Test, Thompson, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Berry, Carr, Clark, Dobson, Elliott, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, Nickel, Riley, Roberts, Stevenson, Tannehill and Watts—19.

So said motion prevailed.

Mr. Berry moved to concur in the 3d, 4th and 14th amendment of the House, with the following amendment:

That the county of Bartholomew shall elect one representative, and the counties of Monroe and Brown, jointly, shall elect one representative, and the county of Lawrence, and the counties of Monroe and Brown, shall elect one representative alternately, commencing with the county of Lawrence, and that the said county of Brown be attached to the county of Monroe, for senatorial purposes.

A division of the question being called for,

The question was on concurring in the amendment of the House,
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Blair, Carnan, Collins, Cravens, Eggleston, Everts, Ewing, Hanna, Herriott, McCord, Moffatt, Morgan, Mount, Nave, Parker, Stafford, Test, Thompson and Williams—25.

Those who voted in the negative were,

Messrs. Beard of M., Berry, Carr, Clark, Dobson, Elliott, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, Nickel, Roberts, Stevenson, Tannehill, Watts and Wright—19.

So said amendment was concurred in.

On motion of Mr. Bell,

The vote just taken on concurring in the 3d, 4th and 14th amendments of the House, was re-considered;

The question was then put on concurring in the 3d, 4th and 14th amendments of the House to said bill, with the amendment proposed by Mr. Berry,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Beard of M., Berry, Blair, Carr, Clark, Dobson, Elliott, Everts, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, Nickel, Roberts, Stevenson, Tannehill and Watts—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Carnan, Collins, Cravens, Eggleston, Ewing, Hanna, Herriott, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Test, Thompson, Williams and Wright—25.

So said motion and amendment were lost.

The question was then put on concurring in the 2d, 4th and 14th amendments of the House to said bill.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Carnan, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Test, Thompson, Tannehill, Williams and Wright—30.

Those who voted in the negative were,

Messrs. Berry, Carr, Clark, Dobson, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, Nickel, Roberts, Stevenson and Watts—15.

So said amendments were concurred in by the Senate.

Mr. Baird of St. Joseph, leave being granted, made the following report, from the committee on canals and Internal Improvements:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred a bill of the Senate, number 48, entitled "A bill to secure to the owners of land upon which the public works have been suspended, the use of the same," have had the same under consideration, and made one amendment thereto; which is, to add at the end of the proviso these words: "And provided further, that no such fence shall obstruct any county or State road, nor road along which the public are accustomed to travel."

With this amendment, your committee recommend the passage of the bill.

The report was concurred in, and,

On motion of Mr. Thompson,

The rule was suspended, and said bill considered engrossed, read a third time and passed.

Mr. Eggleston, leave being granted, made the following report from a select committee:

MR. PRESIDENT—

The select committee to which was referred the petition of William Tully and others, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

Bill, No. 68, to authorize the board doing county business, in Switzerland county, Indiana, to establish a toll bridge on Indian creek, in said county,

Which was read a first time, and passed to a second reading.

Mr. Hanna, leave being granted, presented the petition of George Tomlinson and others, praying for an act to authorize them to form an independent school district,

Which was read, and referred to a select committee of Messrs. Hanna, Clark and Morgan.

The following message was received from the House of Representatives, by Mr. Hager, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate,

that the House has concurred in the several amendments of the Senate to bills of the House, of the following titles:

No. 39, an act to authorize the collection of the State and county revenue for the year 1839, for the county of Dubois;

No. 81—An act to revive the President and Trustees of the Dubois County Library;

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following enrolled bill of the Senate with the engrossed bill thereof, to wit:

No. 19—An act to amend an act, to provide for the opening and repairing public roads and highways in Gibson county, approved Feb. 17, 1838;

Also, the following enrolled bills and joint resolution of the House of Representatives, with the engrossed bills and joint resolution thereof, to wit:

No. 12—An act for the relief of the heirs of John Buck, deceased;

No. 55—An act for the relief of John W. Cunningham, late collector of Putnam county;

No. 63—An act to authorize the commissioners of Dubois county, to levy a tax, ad valorem, for certain purposes therein named,

No. 66—An act for the relief of the trustees of the Methodist Episcopal church in the town of Columbus, in the county of Bartholomew;

No. 71—A joint resolution for the relief of David Rowles;

No. 81—An act to revive the President and Trustees of the Dubois county Library;

And have found the same correctly enrolled.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills of the House, viz:

No. 12, an act for the relief of the heirs of John Burk;

No. 55, an act for the relief of John W. Cunningham, late collector of Putnam county;

No. 63, an act to authorize the Commissioners of Dubois county to levy a tax, ad valorem, for certain purposes therein named;

No. 66, an act for the relief of the Trustees of the Methodist Episcopal church, in the town of Columbus, in Bartholomew county;

No. 71, a joint resolution for the relief of David Rowles;

No. 81, an act to revive the President and Trustees of the Dubois county Library.

Also, the following enrolled bill of the Senate:

No. 19, an act to amend an act to provide for the opening and repairing public roads and highways in the county of Gibson, approved Feb. 17, 1838.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report, that they did, on this day, present to his Excellency the Governor, for his approval and signature the following enrolled bill of the Senate, to-wit:

No. 19, an act to amend an act to provide for the opening and repairing public roads and highways in the county of Gibson, approved Feb. 17, 1838.

Also the following enrolled bills and joint resolution of the House of Representatives:

No. 12, an act for the relief of the heirs of John Buck;

No. 55, an act for the relief of John W. Cunningham, late collector of Putnam county;

No. 63, an act to authorize the commissioners of Dubois county to levy a tax ad valorem for certain purposes therein named;

No. 66, an act for the relief of the Trustees of the Methodist Episcopal Church in the town of Columbus in Bartholomew county;

No. 71, a joint resolution for the relief of David Rowles;

No. 81, an act to revive the President and Trustees of the Dubois county library;

A message from the Governor by J. M. Moore, his Private Secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that on Wednesday last, December 30, 1840, he approved and signed a bill entitled,

An act regulating the jurisdiction of the justices of the peace in Fountain county;

Which originated in the Senate.

The following message was received from the House of Representatives, by Mr. Hager, their Clerk:

MR. PRESIDENT:

The Speaker having signed an enrolled bill of the House, viz: No. 2, an act to regulate the practice in suits at law;

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bill.

The following message was received from his Excellency the Governor, by Mr. Moore, his Private Secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that on Saturday last, January 2, he approved and signed bills entitled acts as follows, to-wit:

An act to extend the provisions of a certain act therein named to the county of Grant;

An act to vacate the town of Harrison in Delaware county;

And that on yesterday, January 4, he approved and signed bills entitled acts as follows, to-wit:

An act to amend an act entitled an act regulating grist mills and millers, approved February 10, 1831;

An act for the relief of William H. Evans;

And that on this day he has approved and signed a bill entitled,

An act to amend an act to provide for the opening and repairing public roads and highways in the county of Gibson, approved Feb. 17, 1838;

All of which originated in the Senate.

On motion, the Senate adjourned.

WEDNESDAY MORNING, JAN. 6, 1841.

The Senate assembled.

On motion of Mr. Carnan, the Senate reconsidered the vote taken on yesterday on the 5th and 12th amendments of the House to the bill apportioning the Senators and Representatives for the next five years, said amendments having relation to the counties of Dubois, Pike and Gibson.

The Senate then disagreed to said amendments.

The President laid before the Senate a communication from the President of the State Bank in relation to the discounts of said bank, in answer to a resolution of the Senate on that subject;

Which was read and referred to the committee on finance.

Ordered, That 250 copies of said report be printed.

On motion of Mr. Cravens, the vote taken yesterday, on the amendment of the House to the apportionment bill in relation to

the counties of Brown, Bartholomew and Monroe, was reconsidered, and,

On motion of Mr. Berry, said amendment was disagreed to by the Senate.

Mr. Dobson presented the petition of Charles Dudley and others, in relation to a change in a certain state road;

Which was read and referred to a select committee of Messrs. Dobson, Berry and Clark.

Mr. Cravens, from the committee on finance, made the following report:

Mr. President—

The committee on finance to which was referred a preamble and joint resolution relative to the debts of the state, have had that subject under consideration and have made sundry amendments, viz: After the word "that" in the first line of the second resolution insert the following, viz: "we confidently believe:" Between the words "are sufficient," in the second line of said resolution insert the word "entirely;" and amend further by striking out the fourth resolution entirely.

On the question will the Senate concur in the amendments;

Mr. Armstrong called for a division of the question.

The question was then put on the first amendment;

Which was agreed to.

The question was then taken on the second amendment;

And agreed to.

Mr. Thompson moved to lay the resolution and amendments on the table;

The ayes and noes being ordered,

Those who voted in the affirmative were;

Messrs. Aker, Angle, Armstrong, Carr, Elliott, Everts, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, Moffatt, Nickel, Riley, Stevenson, Tannehill, Thompson, Watts and Wright—21.

Those who voted in the negative were,

Messrs. Arion, Baird of St. J., Beard of M., Bell, Blair, Carnan, Collins, Cravens, Dobson, Herriott, McCord, Morgan, Mount, Nave, Parker, Stafford, Test and Williams—18.

So said motion prevailed.

Mr. Wright, from the judiciary committee, made the following report:

Mr. President—

The standing committee upon the judiciary, to whom was referred bill No. 35, of the House, entitled an engrossed bill to amend an act entitled an act regulating the practice in chancery, approved February 10th, 1831, have had the same under consideration and directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in by the Senate and the bill, No. 35, indefinitely postponed.

Mr. Elliott, from the committee on the judiciary, made the following report:

Mr. President:

The judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of passing a law requiring the Treasurer, Auditor and Secretary of State hereafter to make their annual reports directly to the Governor, to be by him annually communicated to the General Assembly of the State of Indiana, have had the same under consideration and instructed me to report a bill entitled,

No. 69, a bill relative to officers of State and the Governor's house;

Which was read the first time and passed to a second reading.

Mr. Wright, from the committee on the judiciary, made the following report:

Mr. President—

The standing committee on the judiciary, to whom was referred bill No. 34, entitled a bill to amend an act regulating the jurisdiction and duties of justices of the peace, approved February 27th, 1838, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments: Strike all out except the 3d, 5th and 6th sections and insert in lieu thereof the following and recommend its passage.

Sec. 1. That any constable be and he is hereby authorized, upon arresting any defendant upon a capias, to take a recognizance of bail such as is provided for in the 25th and set forth in the 26th section of an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838, and shall set a time for the trial of said cause at any time within three days from the time of making such arrest and notify the plaintiff, his agent, or attorney, if resident of said county thereof, before the time set for trial.

Sec. 2. That such recognizance shall have the same force and effect and be governed by the same laws as if it was taken before a justice of the peace.

On motion of Mr. Thompson, said amendments were laid on the table.

Mr. Thompson, from the judiciary committee, made the following report:

MR. PRESIDENT—

The Judiciary committee to whom was referred the following resolution, have instructed me to report that it is inexpedient to legislate upon that subject:

Resolved, That the judiciary committee be requested to inquire into the expediency of amending the 31st section of an act to regulate general elections, approved February 17th, 1838, so as not to allow the judges and clerks of general and township elections, a credit for one days words on public roads for each and every such days service as judge or clerk or returning judge, unless there be more than two hundred votes polled at such election; with leave to report by bill or otherwise.

Said report was concurred in by the Senate.

Mr. Wright, from the judiciary committee, made the following report:

MR. PRESIDENT—

The standing committee on the judiciary to whom was referred bill No. 11, an engrossed bill to amend an act entitled an act to prohibit the amalgamation of whites and blacks, approved February 24, 1840, have had the same under consideration and directed me to report the same back to the Senate without amendment and recommend its passage.

Mr. Moffatt moved to lay said bill on the table;

The ayes and noes being demanded;

Those who voted in the affirmative were,

Messrs. Baird of St. J., Bell, Dobson, Everts, Ewing, Hanna, Herriott, McCord, Moffatt, Nave, Nickel, Parker, Riley and Stevenson—14.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Beard of M., Blair, Carnan, Carr, Clark, Collins, Cravens, Elliott, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, Morgan, Mount, Tannehill, Test, Thompson, Watts and Williams—25.

So said motion did not prevail.

Mr. Moffatt moved to refer said bil to a select committee;

Which did not prevail.

Mr. Moffatt moved to postpone the further consideration of the bill to Monday next;

Which was not agreed to.

The question then being on ordering the bill to a third reading;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Beard of Montgomery, Bell, Blair, Carnan, Carr, Clark, Collins, Dobson, Elliott, Everts, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Morgan, Mount, Parker, Tannehill, Test, Thompson, Watts, Williams and Wright—28.

Those who voted in the negative were,

Messrs. Arion, Baird of St. Joseph, Ewing, Hanna, Hoover, McCord, Moffatt, Nave, Nickel, Riley, and Stevenson—11.

So said bill was ordered to a third reading.

Mr. Collins, from the committee on the judiciary, made the following report:

MR. PRESIDENT—

The committee upon the judiciary to which was referred bill of the Senate No. 31, entitled "a bill to authorize the Governor of this State to order a special election for Representatives in Congress," have, according to order, had the same under consideration, have made one amendment thereto, and have instructed me to report the same to the Senate, to ask the concurrence of the Senate in said amendment and recommead the passage of the bill so amended. Amend, Sec. 1, line 17: strike out the words, "such called session of the" and insert in lieu thereof "the twenty-seventh."

The question being on concurring in the amendment,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Clark, Collins, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Morgan, Mount, Nave, Parker, Riley, Stafford, Test, Thompson, Watts, Williams, and Wright—28.

Those who voted in the negative were,

Messrs. Berry, Carr, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Moffatt, Nickel, Stevenson and Tannehill—13.

So said amendment was concurred in,

And the bill was ordered to a third reading on to-morrow.

Mr. Collins, from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred resolution of the Senate, No. 14, instructing them to inquire into the expediency of extending the provisions of the 9th section of the practice act to the jurisdiction of justices of the peace on a joint note, have, according to order, had said resolution under consideration, and have directed me to report that the subject matter thereof is now before the Senate in bill to amend the justices' act, consequently other legislation thereon is unnecessary, and to ask the Senate that they may be discharged from the further consideration of said resolution.

The report was concurred in, and the committee was accordingly discharged.

Mr. Collins, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee to which was referred resolution of the Senate, No. 19, directing them to inquire whether in their opinion the 12½ cents on each share of the individual stock in any of the Branches of the State Bank of Indiana, set apart by the 9th section of the Bank charter is to be computed as a part of the state and county tax, to which all corporation stock is subject, or whether said 12½ cents on each share aforesaid was intended as a *bonus* to the state on the part of individual stockholders, and consequently that said individual stock should pay the same rate of taxation as other corporation stock exclusive of the 12½ cents aforesaid, and that said committee report to the Senate by resolution, have, according to order, had that subject under consideration, and have directed me to report the following resolution. The committee here remark, however, that the subject alluded to by the resolution referred to them is not found in the 9th but in the 15th section of the Bank charter.

Resolved, by the Senate of Indiana, That the 12½ cents on each share of stock in the State Bank of Indiana other than that held by the State, reserved by the 15th section of the charter thereof, is, and the same constitutes a portion of the one per centum tax which the State of Indiana may impose upon said stock.

Resolved further, That said 12½ cents per share above referred to, is, in the opinion of this Senate, a *bonus* paid by the individual stockholders in said Bank to the State; and that said state cannot for any purpose whatever, without the assent of said Bank and its several Branches, tax the individual stock held therein more than seventy-five cents (exclusive of said 12½ cents on each share) on each one hundred dollars of stock held in said Bank by others than the State.

Said resolutions were adopted.

Mr. Harris, from the committee on the judiciary, made the following report:

MR. PRESIDENT—

The judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of so amending the 29th section of the practice act, approved January 29th, 1831, as to authorize either party upon an appeal in the circuit court, from a justice of the peace, to amend the cause of action or defence upon the said terms and under the same restrictions, as are allowed to parties by or against whom suits are commenced in said court. Also, to inquire into the policy of so amending the several acts relative to appeals from justices of the peace, as to give the appellant a lien upon the real estate of the appellee as is allowed in cases of transcripts, have had the same under consideration, and directed me to report, that the first branch of said resolution meets the entire approbation of the committee, and that it has been incorporated in a bill which has already received the action of the Senate.

The committee have also directed me to report, that it is inexpedient to legislate at this time on the subject matter of the second branch of said resolution, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Test made the following report:

Mr. Test, from the committee on the judiciary, made the following report;

MR. PRESIDENT—

The judiciary committee to whom was referred an engrossed bill of the House, No. 23, entitled a bill to amend an act providing for the recording of mortgages on personal property, have had the same under consideration, and inasmuch as its provisions in substance are already the law, said committee instruct me to report said bill back to the Senate and recommend its indefinite postponement.

The report was concurred in and said bill indefinitely postponed.

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the House, No. 51, entitled a bill to revive certain acts relative to a stay of execution have had the same under consideration, and have instructed me to report said bill back to the Senate without amendment and recommend its passage.

Mr. Ewing moved to re-commit the bill to a select committee.

Which did not prevail.

Mr. Ewing moved to add the following proviso:

Provided, however, That said real estate and personal property shall not be sold for less than two thirds its appraised value; which appraisement shall be made in the following manner, to-wit: The sheriff or other officer having such execution in his hand shall before

he proceeds to sell any lands, tenements, or hereditaments levied on by virtue thereof, cause the same to be appraised at its true cash value at the time by two competent, reputable and disinterested freeholders, to be selected by said sheriff or other officer of the county in which such lands, &c., shall be situated upon personal inspection by said appraisers; which appraisement shall be in writing signed by said appraisers and shall be by said sheriff or other officer returned with such writ to the clerk's office and filed therewith.

That said appraisers shall, before entering upon such duty, be sworn in substance and to the effect following, to-wit: "You do severally solemnly swear that you will to the best of your judgment and ability appraise the (here stating the land &c. to be appraised) at its present true cash value, that you are not related to or of kin to the plaintiff and defendant in the writ, and that you have no bias in favor of or ill will towards either of them, so help you God:" which oath may be administered by any justice of the peace or other person authorized to administer oaths generally. Said appraisers shall each be entitled to 50 cents for each lot or tract of land by them appraised, to be taxed with justices fees, with the costs upon said amount and collected and paid over by such sheriff or other officer.

Mr. Thompson moved to lay the amendment upon the table;

Which did not prevail.

Mr. Aker moved to amend the amendment by striking out "one half" and inserting "two thirds."

Which was agreed to.

Mr. Carnan moved further to amend the amendment by adding as follows:

That said appraisers shall be appointed by the circuit court, shall hold their office for one year, and shall take an oath of office: *Provided, however,* should either of such appraisers so appointed be related to either of the parties, in any case they may be called to act, the associate judges shall appoint some one to act in his stead in that particular case.

Which was agreed to.

Mr. Stevenson moved to add, after the words "real estate," "personal property."

Which was agreed to.

Mr. Elliott moved to lay the amendment on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Beard of Montgomery, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Elliott, Hanna, Hargrove, Herriott, Kinzer, Lowe, McCord, Mount, Parker, Riley, Stafford, Stevenson, Test, Thompson, and Williams—26.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. J., Beard of M., Blair, Carnan, Clark, Collins, Elliott, Everts, Eggleston, Hanna, Herriott, Hoover, McChord, Morgan, Mount, Nave, Parker, Riley, Stafford, Watts, Williams, and Wright,—24.

So said motion did not prevail.

Mr. Everts presented the petition of D. Curtis and others, citizens of Laporte county;

Which was read and referred to the the committee on finance.

Mr. Collins, from the committee on elections, made the following report:

Mr. PRESIDENT—

The committee on elections to which was referred an engrossed bill of the House of Representatives, No. 44, entitled "a bill making contestors of elections liable for costs," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be indefinitely postponed, and ask to be discharged from the further consideration thereof.

The report was concurred in.

Mr. Parker, from the committee on finance, made the following report:

Mr. PRESIDENT—

The standing committee on finance to whom was referred a bill for the relief of John W. Cunningham, late collector of Putnam county, agreeably to order, have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

The report was concurred in and the bill was ordered to a third reading on to-morrow.

Mr. Stevenson, made the following report:

The select committee to which was referred so much of the Governor's message as relates to economy, legislative expenses, and the account of public printing, have had the same under consideration, and as a bill for the reduction of the wages of the members of the legislature is already before the Senate, and the subject of a reduction of the number of the members of the legislature has been referred to a select committee of nine, your committee deems it only necessary to notice the subject of public printing, which has (in the language of the Message) considering that no extra work was required or performed, reached the heavy and unnecessary sum of twelve thousand four hundred and fifty-seven dollars and eighty-one cents.

This amount is truly startling when compared with what was paid but a few years past and manifests a degree of extravagance at least that should be avoided in the present embarrassed condition of the

State. In the year 1834, the cost of public printing was but \$5,835 92, less than half the amount paid in 1840; and in the year 1831, a year in which there was a revision of the laws the whole amount for printing, book-binding, stationary, carriage, and distributing the laws amounted to \$8,382, only about two-thirds of the cost of the present year—a year in which there was less than half the work done. These facts undoubtedly require the speedy action of the Legislature.

Much has been done to increase the bill of the present year by illegally charging the State for work done. By referring to the 8th section of an act to provide for public printing and for the distribution of the laws and journals, approved, February the 16th, 1839, it will be found "that no document or report directed by this act or may be directed by either branch of the General Assembly to be placed in the Documentary Journal, shall be journalized in the Journal of the Senate or of the House of Representatives: *Provided also*, that in all cases where either the Senate or House direct any document or report to be printed and placed in the Documentary Journal, five hundred copies in addition to the number directed for the use of the House, directing the same shall be printed and handed to the Secretary of State for the Documentary Journal, so that in no instance shall pay for composing the same matter be twice allowed."

By a reference to the Documentary and House Journals of last session, it will be found that a number of Documents are journalized in both journals in direct violation of the law of 1839. On pages 67 and 77 of the House, and 113 and 136 of the Documentary Journal, are two reports—one of the majority and the other of the minority of the committee in relation to public printing in the House. On page 758, House Journal, is the report of the Committee of Ways and Means, the same report is again journalized in House Documentary Journal, page 166. In the House Journal, page 739, is a report of the Chief Engineer—same report is also in House Documentary Journal, page 125—House Journal, page 14, is the Governor's Message—House Documentary Journal, page 95, is the same message. Thus it is, that the State has been compelled to pay for a large amount of work twice, when it should only have been paid for once. This gross violation of law on the part of public printers and the negligence of the Secretary of State has been the means of much loss to the State.

The cost of printing has been greatly increased by the act of 1839 referred to above. By comparing the prices allowed in the law with the prices paid for printing in 1834, it will be seen that the prices upon the whole of the work has been increased near one hundred per cent. In 1834, composition on laws (which was the highest item) per 1000 ems plain, 45 cents; composition on Journals 40 cents. Now we are paying for composition per 1000 ems plain matter 62½—rule and figure work \$1 25. This, Sir, is near one hundred per cent. on the prices of 1834. Your committee are of the opinion that the prices now given are too high, and to show still more conclusively that the State is paying too much for public printing, your committee would refer you to the communication of Stacy & Williams to the

House of Representatives of last winter. This report shows that the State is giving more than the workmen of this place are disposed to ask, and more than the State should, in the opinion of your committee, give.

"And as economy is the paramount object of your body, we propose the following reductions in the prices as fixed by an act of the Legislature passed in the session of 1836–7, to wit: 45 cents per 1000 ems plain work; 73½ cents per 1000 ems figured work, and \$1 05 per 1000 rule and figure work, which will make a difference of 20 cents per 1000 ems, or about 35½ per cent. discount upon the whole job, or amount of work for the present session; or to take the last bill made out and allowed to Bolton & Livingston, (Printers to the House of Representatives) as a standard, there would be a saving to the State in this one item alone, of nearly fifteen hundred dollars.

For the purpose of reducing the cost of public printing, I am directed to report the following

Bill No. 44, to amend an act to provide for public printing, and for the distribution of the Laws and Journals, approved, February 16, 1839.

The report was concurred in, and the bill was read the first time and passed to a second reading.

Mr. Hargrove made the following report:

MR. PRESIDENT :

The select committee to whom was referred so much of the Ex-Governor's message as relates to the new apportionment of Senators and Representatives in the General Assembly of this State for the ensuing five years, together with a resolution of the Senate upon that subject, have, according to order, had the same under consideration, and have directed me to report the following bill, entitled, a bill

No. 45, for the apportionment of Senators and Representatives in the General Assembly of this State.

Said bill was read the first time and passed to a second reading.

Mr. Foster moved to re-consider the vote on the bill to equalize the judicial circuits.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Armstrong, Bell, Berry, Carr, Cravens, Foster, Hackett, Hanna, Hargrove, Herriott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, and Williams—25.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Blair, Carnan, Chamberlain, Clark, Collins, Dobson, Eggleston, Elli-

ott, Everts, Ewing, Harris, Hoover, McCord, Parker, and Wright—19.
So said motion prevailed.

Mr. Nave moved to re-consider the bill.

The question being on recommitting the bill,
It was decided in the affirmative.

Mr. Nave moved to refer the bill to the select committee.

Mr. Harris moved to refer it to the judiciary committee.

The question was on referring the bill to the judiciary committee;
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hackett, Hargrove, Harris, Hoover, McCord, Parker, Riley, Test, Watts, Williams and Wright—25.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Blair, Carr, Foster, Hanna, Herriott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Stafford, Tannehill and Thompson—16.

The bill was so referred.

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Dobson,

The vote on recommitting the bill to equalize the judicial circuits,
was reconsidered.

The question being on the final passage of the bill,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Ewing, Hanna, Harris, Hoover, McCord, Parker, Tannehill, Watts, Williams and Wright—21.

Those who voted in the negative were,

Messrs. Armstrong, Bell, Blair, Berry, Carr, Foster, Hackett, Hargrove, Herriott, Morgan, Mount, Nave, Nickel, Roberts, Stafford and Test—16.

So said bill passed.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Nave,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the 26th, 27th, 28th, 29th and 30th sections of the 14th chapter of an act, entitled "an act incorporating Congressional townships, and providing for public schools therein," approved February 17, 1838," that in all cases where any of the school districts do not support a school therein, their respective distributive shares, shall hereafter be loaned out by the respective township Treasurers, annually at ten per centum per annum, interest thereon for the use of any such district, on freehold security, until such district or districts shall have complied with the requisitions of the 10th section of the 14th chapter aforesaid,—with leave to report by bill or otherwise.

On motion of Mr. Parker,

Resolved, That the judiciary committee be instructed, to inquire whether the late Printer of the House of Representatives and his securities, are not liable to refund to the State the amount received by said Printer for twice printing certain matter, required by law to be only once printed.

Mr. Williams offered the following resolution:

Resolved, That the committee on finance be instructed, to inquire into the expediency of directing the alteration of the *five dollar* plate of Treasury notes, so as to erase the obligation to pay any interest thereon; and of having a sufficient amount, from time to time, of such altered notes, struck therefrom, as may be sufficient to exchange for any of the \$50 Treasury notes now outstanding, which may be offered for such exchange. No interest power, past or future, shall be computed on such fifty dollar notes so redeemed.

Mr. Lowe moved to amend, by adding the following:

"And also into the propriety of re-issuing the five dollar notes issued in September last;"

Which was not agreed to.

The question being on adopting the resolution,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Beard of M., Bell, Clark, Collins, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Lowe, Mount, Nave, Parker, Riley, Roberts, Stafford, Tannehill, Watts and Williams—24.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Blair, Carnan, Carr, Cravens, Dobson, Eggleston, Everts, McCord, Morgan, Nickel, Test and Wright—14.

So said resolution was adopted.

Mr. Watts introduced bill, No. 46, for the apportionment of Sena-

tors and Representatives in the General Assembly in this State for the ensuing five years,
Which was read the first time, and passed to a second reading.

ORDERS OF THE DAY.

Bill, No. 12, to repeal certain acts therein named,

Was read the third time;

On motion of Mr. Harris,

The title was amended, by adding "so far as this relates to the county of Carroll,"

And the bill passed.

Bill, No. 38, of the Senate, further to regulate the duties of Clerks, Justices of the Peace, and School Commissioners,

Was read the second time, and referred to the judiciary committee.

Bill, No. 39, of the Senate, to amend an act entitled, an act regulating the practice in suits at law, approved January 29, 1831,

Was read the second time, and referred to the judiciary committee.

Bill, No. 40, of the Senate, to incorporate the Princeton Musical Institute,

Was read the second time, and referred to the committee on corporations.

Bill, No. 41, of the Senate, to amend an act "entitled an act relating to evidence,"

Was read the second time, and referred to the committee on the judiciary.

Bill, No. 42, of the Senate, for the relief of Contractors on the Wabash and Erie canal, and for other purposes,

Was read the second time, and referred to the committee on finance.

Bill, No. 43, of the Senate, providing for the payment of the debt due the State Bank of Indiana for moneys paid for the State,

Was read the second time;

Mr. Nave moved to refer the bill to the committee on modification;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Chamberlain, Cravens, Eggleston, Hargrove, Harris, Lowe, Nave, Nickel, Parker, Roberts, Stevenson, Tannehill and Watts—15.

Those who voted in the negative were,

Messrs. Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Carman, Carr, Clark, Collins, Dobson, Elliott, Everts, Ewing, Foster, Hackett, Hanna, Herriott, Hoover, McCord, Morgan, Riley, Stafford, Test, Williams and Wright—25.

So said motion did not prevail.

The bill was then referred to the committee on finance.

Bill, No. 59, of the House, to incorporate the Madison Law Library Society,

Was read the second time, and referred to the committee on corporations.

Joint Resolution of the House, No. 71, for the relief of David Rowles,

Was read the second time;

Mr. Lowe moved to refer it to the committee on claims,

Which was not agreed to.

Mr. Lowe moved to strike out the first proviso in the resolution,

Which was not agreed to;

The Joint Resolution was then ordered to be read the third time to-morrow.

Joint Resolution, No. 69, of the House, relative to the Sub-Treasury bill,

Was read the second time, and referred to the committee on federal relations.

Bill No. 77, of the House, to prevent the spreading of the disease commonly called the glanders, among horses,

Was read the second time.

Mr. Watts moved to commit it to a committee of the whole, and that it be made the order of the day for Friday next;

Which was not agreed to.

On motion of Mr. Morgan, the bill was referred to the committee on agriculture.

On motion of Mr. Watts, Mr. Morgan was added to the committee on agriculture.

Bill No. 80, of the House, to incorporate the Connersville Musical Institute,

Was read the second time and referred to the committee on corporations.

Bill No. 81, of the House, to revive the President and Trustees of the Dubois county Library,

Was read the second time and ordered to a third reading to-morrow.

Mr. Test moved to discharge the committee on finance from the further consideration of bill No. 43, relating to the Bank debt;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Baird of St. J., Blair, Clark, Collins, Dobson, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Mount, Test, Williams and Wright—17.

Those who voted in the negative were,

Messrs. Armstrong, Beard of M., Bell, Carman, Carr, Chamberlain, Cravens, Eggleston, Elliott, Foster, Hackett, Hargrove, Harris, Lowe, Morgan, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill and Watts—24.

So said motion did not prevail.

The President laid before the Senate the following communication from Noah Noble, Esq.:

Which was read and referred to the committee on canals and internal improvements:

OFFICE OF BOARD OF INT. IMPROVEMENT, }
Indianapolis, Dec. 29, 1840. }

HON. SAMUEL HALL,
President of the Senate:

The Board has received the resolution of the Senate, wishing the Board to state the amount of tolls received on the New Albany and Vincennes Road and how they have been applied; and also what sum has been received on the Southern Division of the Central canal, and how applied.

As relates to the first inquiry, the Board has the honor to say to the Senate, that the tolls for one month on the Road, amounted to about \$600, which were applied towards the expenses incurred by the erection of toll houses and gates. The report and exhibit made by the special agent has been placed in the hands of Senator Collins, for the use of the internal improvement committee, and will be transferred to the Senate whenever needed.

In relation to the second inquiry, the Board has to say, that it is not in possession of any information as to the amount or the application of any tolls realized from the Southern Division of the Central canal.

Having received another resolution from the Senate calling for the opinion of the Board as to the propriety of keeping superintendents on the above named works, independent of the Board, they beg leave to say, that under our system of accounts and responsibility, there would be a seeming impropriety in separating those works from the general head, and thus dividing and diminishing the responsibility of the public officers, to the Legislature. In place of creating independent officers, with emoluments, upon the different works, some reporting to one officer, some to another, it is believed it will be more safe, uniform and economical, to make all such appointments subordinate to the State Board, no matter what may be its organization, and the whole income and expenditure on each work should

office, in relation to the eight inquiries first suggested in the resolution.

The abstract does not contain the numbers of all the bonds issued, and it is not practicable at this time to give them, inasmuch as the register of bonds sold, is in New York, and no duplicate thereof is kept in the office here. The necessity and propriety of keeping in the office at the seat of government a complete register of all bonds issued, appears obvious to the undersigned, and measures to accomplish that object, have been under consideration, and will, I have no doubt be speedily carried into effect. It will appear also, by a reference to the abstract, that the bonds have not been numbered continuously. I am not advised of the reason why they have not been so numbered; but it seems to the undersigned that it would be more favorable to a ready understanding of the subject, if the dollar bonds were all numbered continuously, and in like manner the sterling bonds, commencing with number one, in each, and continuing with unbroken numbers in all that should be afterwards issued.

The only register kept of bonds sold, is by entering in a book kept for that purpose in New York, a statement of dollar (or sterling, as the case may be,) five per cent. bonds sold to A. B., numbering from the lowest number to the highest in the parcel sold, &c., and issued for account of Wabash and Erie canal, or otherwise, as the case may be.

I will state, in reply to the third and last clause of the resolution, that the correspondence on file in this office from all of the several gentlemen who have officiated as Fund Commissioner, affords abundant specimens of their signatures, more accurate, and more in accordance with the signatures to the bonds, than could now be otherwise obtained.

Respectfully submitted,
N. B. PALMER, Fund Com'r.

Mr. Watts, from the committee on agriculture, made the following report:

MR. PRESIDENT—

The committee on agriculture, to which was referred bill No. 77, of the House, have had the same under consideration, and have directed me to report the same to the Senate, and recommend that it be indefinitely postponed.

On the question, will the Senate concur in said report? It was decided in the negative.

Mr. Morgan moved to amend said bill, by adding, after the word "glanders,"—"and distemper;" which did not prevail.

On motion of Mr. Dobson,

The rule was suspended, and said bill read the third time, and passed.

AN EXHIBIT OF—1st, THE NUMBER OF STATE BONDS SOLD—2d, THE DATE—3d, THE AMOUNT—4th, RATE OF INTEREST—5th, TIME OF PAYMENT, OR MATURITY—6th, NAMES OF COMMISSIONERS ISSUING THEM—7th, TO WHOM SOLD—8th, FOR WHAT PURPOSE ISSUED.

FIRST.	SECOND.	THIRD.	FOURTH.	FIFTH.	SIXTH.	SEVENTH.	EIGHTH.
From 1 to 100	1st July, 1832.	\$100,000 00	6 per cent.	From 1st July, 1862, to 1882.	McCarty, Linton & Sullivan.	J. D. Beers & Co.	Wabash & Erie Canal.
From 1 to 500	1st July, 1834.	500,000 00	5 " "	" " 1854, to 1864.	same.	Prime, Ward & King.	State Bank.
From 1 to 100	1st Jan'y. 1835.	100,000 00	5 " "	" Jan. 1855, to 1860.	McCarty, Sullivan & Hanna.	same.	Wabash & Erie Canal.
From 1 to 200	1st " 1835.	200,000 00	5 " "	" " 1860, to 1875.	same.	same.	same.
From 501 to 565	1st July, 1835.	65,257 42	5 " "	July, 1860, to 1875.	same.	Secretary of War.	same.
From 566 to 699	" "	134,742 58	5 " "	" 1860, to 1875.	same.	J. I. Cohen, Jun. & Bro.	same.
From 700 to 1099	" "	400,000 00	5 " "	" 1855, to 1865.	same.	same.	State Bank.
From 1100 to 1164	" "	65,257 42	5 " "	" 1865, to 1885.	same.	same.	Wabash & Erie Canal.
From 1165 to 1214	" "	50,000 00	5 " "	" 1855, to 1865.	same.	Prime, Ward & King.	State Bank.
From 1215 to 1254	" "	40,000 00	5 " "	" 1865, to 1885.	same.	same.	Wabash & Erie Canal.
From 1255 to 1354	1st July, 1836.	100,000 00	5 " "	" 1866, to 1886.	Sullivan, Hanna & Coe.	J. I. Cohen, Jun. & Br.	same.
From 1355 to 1357	" "	2,742 58	5 " "	" 1866, to 1886.	same.	Secretary of War.	same.
From 1358 to 1376	" "	19,000 00	5 " "	" 1866, to 1886.	same.	Th. Biddle & Co., & M. C. & Bk. Comp.	same.
From 1377 to 1816	" "	440,000 00	5 " "	" 1856, to 1866.	same.	same.	State Bank.
From 1 to 400	" "	400,000 00	5 " "	" 1861.	same.	J. I. Cohen, Jun. & Br.	Internal Improvement.
From 401 to 850	" "	450,000 00	5 " "	" 1861.	same.	Th. Biddle & Co., and M. C. & B. Comp.	same.
From 1817 to 1936	" "	120,000 00	5 " "	" 1866, to 1886.	same.	same.	Wabash & Erie Canal.
From 1 to 100	" "	100,000 00	5 " "	" 1857.	same.	Lawrenceburgh & Ind. R. R. Company.	L. & Indianap. Rail Road.
From 1837 to 1866	1st July, 1837.	30,000 00	5 " "	" 1866, to 1886.	Hanna, Coe & Smith.	Christmas, Livingston & Company.	Wabash & Erie Canal.
From 1937 to 2286	" "	350,000 00	5 " "	" 1866, to 1886.	same.	Morris Canal & Banking Company.	same.
From 851 to 1400	" "	550,000 00	5 " "	" 1861.	same.	same.	Internal Improvement.
From 1821 to 1920	" "	100,000 00	5 " "	" 1861.	same.	same.	same.
From 1401 to 1820	" "	420,000 00	5 " "	" 1862.	same.	same.	same.
From 1921 to 2500	" "	580,000 00	5 " "	" 1862.	same.	same.	same.
From 101 to 221	" "	121,000 00	5 " "	" 1858.	same.	same.	same.
	1st July, 1838.	40,000 00	5 " "	" 1863.	Coe, Smith & Farrington.	Lawrenceburgh & Indianap. R. R. Com.	L. & Indianap. Rail Road.
	" "	300,000 00	5 " "	" 1863.	same.	Staten Island Whaling Company.	Internal Improvement.
	" "	100,000 00	5 " "	" 1863.	same.	Bank Western New York.	same.
	" "	100,000 00	5 " "	" 1863.	same.	Erie County Bank.	same.
	" "	60,000 00	5 " "	" 1863.	same.	Detroit and Pontiac R. Road Company.	same.
	" "	\$1,200,000 00	5 " "	" 1863.	same.	Staten Island Whaling Company.	same.
	" "	\$ 800,000 00	5 " "	" 1863.	same.	Morris Canal and Banking Company.	same.
	January, 1839.	400,000 00	5 " "	From 1st Jan. 1869, to 1889.	same.	same.	same.
	July, 1838.	432,000 00	5 " "	" 1st July, 1863.	same.	same.	Wabash & Erie Canal.
	January, 1839.	294,000 00	5 " "	" 1st Jan. 1864.	same.	same.	Internal Improvement.
	July, 1838.	20,000 00	5 " "	" 1st July, 1863.	Stapp and Scott.	Branches of State Bank.	Surplus Revenue.
	" "	380,000 00	5 " "	" " 1863.	same.	Binghamton Bank.	Internal Improvement.
	" 1839.	\$1,000,000 00	5 " "		same. [Merrill.	Morris Canal & Banking Company.	same.
	" "	490,000 00	5 " "	Fr. 1st July, 1864. parted with.	same. Sale by Mr.	same.	State Bank.
From 4001 to 4200	" "	200,000 00	5 " "	" " 1864. parted with.	same.	same.	Internal Improvement.
	" "	47,000 00	5 " "	" " 1864.	same.	Merchants' Exchange Bank.	same.
	" "	35,000 00	5 " "	" " 1864.	same.	Bank of North America.	same.
Fr. 1 to 140, 201 to 241, 401 to 440	" "	221,000 00	5 " "	" " 1864.	same.	Bank of Commerce.	same.
		\$11,557,000 00				Madison Company.	same.

NOTE.—Those marked with an (§) are Sterling Bonds.

[Senate Journal, follow page 217.]

Mr. Carr, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations, to whom was referred a bill of the Senate, No. 28, entitled, a bill to amend an act to incorporate the town of Laporte, approved Feb. 18, 1839, have, according to order, had the same under their consideration, and have directed me to report it back to the Senate without amendment, and recommend its passage.

The report was concurred in, and said bill ordered to a third reading on to-morrow.

Mr. Lowe, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill, No. 54, declaring a certain county road therein a State road, and for other purposes, have had that subject under their consideration, and have directed me to report the same back to the Senate, and recommend that it be postponed until the first Monday in December next.

The report was concurred in, and said bill postponed until the first Monday in December next.

Mr. Parker, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred, bill No. 50, of the Senate, for amending an act organizing the Supreme Court and defining its powers and duties, approved Feb. 17, 1838, agreeably to order, have had the same under consideration, and have directed me to report the same back with the following amendments: strike from the first section these words, "then next thereafter to be holden," and insert these, "to be holden next after the expiration of thirty days from the date of said recognizance." In the second section insert "provided," instead of "required," where that word first occurs. In the same section, after the words "duty of," where they first occur, insert these words,—"said keeper immediately to certify that fact to," and after the words "the Governor," where they first occur in said section, insert the words "who shall then." And, also, strike out the word "empowering," where it first occurs in said section, and insert the words "directing and authorizing." And, also, strike out the word "thereby," where it occurs in said section, and insert instead thereof, the word "thereupon;" and with these amendments, to recommend the passage of the bill.

Mr. Cravens moved to amend said bill by inserting after the word prisoner in the first section the words "except for the crime of murder."

Which was agreed to.

On the question, will the Senate concur in the report and amendment? it was decided in the affirmative, and said bill was ordered to a third reading on to-morrow.

Mr. Nave, from a select committee, made a report:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate, No. 53, entitled, "a bill to amend an act organizing the Supreme Court and defining its powers and duties," have, after examining the provisions of said bill, come to the conclusion that legislation on that subject is not only inexpedient but uncalled for. Therefore said committee have directed me to report said bill back to the Senate and ask its concurrence; wherefore your committee ask to be discharged from the further consideration thereof.

The report was concurred in, and

On motion of Mr. Elliott, said bill was indefinitely postponed.

Mr. Carr, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House of Representatives, No. 4, entitled, "an act to repeal an act regulating the jurisdiction of justices of the peace in Jackson county," approved January 25, 1840, have, according to order, had that subject under consideration, and have directed me to report the same back to Senate with one amendment, viz: insert after the word "Democrat" in the second section, these words, "which publication shall be at the expense of said county of Jackson."

Which report was concurred in, and said bill ordered to a third reading on to-morrow.

On motion of Mr. Clark,

Resolved, That the committee on the judiciary be instructed to examine the law relating to domestic attachment and report whether or not the duty of the constable or sheriff having charge of attached goods, is sufficiently defined in cases where said attached property may be claimed by any other person than the defendant, (see section 11.)

And also to examine 15th and 16th sections of said act and report whether or not the proof therein required is sufficiently defined, with leave to report by bill or otherwise.

Mr. Elliott introduced bill No. 70, to amend an act entitled "an act to incorporate the town of New-Castle in Henry county;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Arion, leave being granted, made the following report:

Mr. President—

The committee on education, to whom was referred the resolution of the Senate, directing an inquiry into the propriety of providing by law for a Chaplain to the State Prison, have had that subject under consideration, and directed me to report a bill in accordance thereto.

Bill No. 71, for the appointment of a Chaplain to the State Prison;

Was read the first time and passed to a second reading on to-morrow.

On motion, the Senate adjourned.

FRIDAY MORNING, JAN. 8, 1841.

Senate assembled.

Mr. Thompson presented the petition of sundry citizens of Leavenworth, Crawford county, praying for a change in the charter of said town;

Which was read, and

On motion of Mr. Thompson referred to a select committee.

Ordered, That said committee consist of Messrs. Thompson, McCord and Berry.

Mr. Aker presented the petition of sundry citizens of Delaware, Randolph, and Jay counties, praying for the passage of an act to locate a state road, which was read and

On motion of Mr. Aker, referred to a select committee.

Ordered, That said committee consist of Messrs. Aker, Hoover, and Tannehill.

Mr. Harris, from the judiciary committee, made the following report:

Mr. President—

The committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of so amending the law on the subject of escheats, that it should be made the duty of the prosecuting attorney, or some other officer in the several judicial circuits, to prosecute all the holders or possessors of land that ought to escheat to the State, have according to order had the subject matter of said resolution under consideration, and have directed me to report that they deem it unnecessary to legislate upon the subject; inasmuch as our statute of descents already points out the method by which the state shall recover all lands which may escheat for want

of heirs; they therefore ask to be discharged from the further consideration of said resolution.

On motion of Mr. Ewing said resolution was recommitted to a select committee.

Ordered, That said committee consist of Messrs. Ewing, Eggleston and Nave.

Mr. Wright made the following report:

Mr. President—

The judiciary committee to whom was referred, Bill No. 62, of the House, entitled a bill providing for the discharge of insolvent persons who are detained in prison for the non-payment of costs in criminal cases, have had the same under consideration, and believing legislation upon this subject inexpedient, have directed me to report the bill back to the Senate and recommend its indefinite postponement.

Which report was concurred in, and said bill indefinitely postponed.

Mr. Harris, from the judiciary committee, made the following report:

Mr. President—

The committee on the judiciary, to whom was referred a bill of the House of Representatives, No. 60, to authorize the issuing of a special writ of *distringas* in certain cases, have, according to order, had the same under consideration and directed me to report, that in the opinion of the committee, our circuit courts, by the operation of the statute of January 2, 1818, declaring the common law in full force in this State, with certain exceptions therein named, already have the power to issue a writ of *distringas* in all cases in which they may think the exercise of such power necessary to the promotion of justice. The committee, believing it inexpedient to multiply statutes having the same operation, have instructed me to report the bill back to the Senate and recommend its indefinite postponement.

The report was concurred in, and said bill indefinitely postponed.

On motion of Mr. Eggleston,

No. 27, concerning sales of land on execution, was taken from the table, together with the report of the committee to which said bill had been referred, and recommitted to a select committee of Messrs. Eggleston, Thompson and Tannehill.

Mr. Tannehill moved the following instructions to said committee: "to amend said bill so as to provide that real estate taken on execution shall not be sold for less than two thirds of its appraised value."

Which was not agreed to.

Mr. Baird of St. Joseph, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate requiring said committee to specify and define what shall hereafter constitute a "public nuisance," have had the same under consideration and directed me to report that a public nuisance is fully defined at common law, and that a full statutory definition would be impossible, as it would require more labor than the committee could perform. They therefore think further legislation on said subject unnecessary, and ask to be discharged from the further consideration thereof.

The report was concurred in by the Senate, and the committee accordingly discharged.

Mr. Baird of St. Joseph, from the judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate instructing them to inquire into the expediency and constitutionality of changing the time of the meeting of the General Assembly to the first Monday of January in each year or as near thereto as may be, have had the same under consideration and directed me to report that whilst they consider there is no constitutional question involved, yet they deem it inexpedient to change the time of the meeting of the General Assembly, and therefore they ask to be discharged from the further consideration of said resolution.

Which report was concurred in, and the committee discharged.

Mr. Wright, from the committee on the judiciary, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred the petition of Sarah Bailey, praying to be divorced from C. D. Bailey her husband, have had the same under consideration and deem that legislation upon matters of this kind are both inexpedient and inoperative. This committee having previously expressed their opinion that the Legislature is not clothed with the power by our constitution to adjudicate upon matters of this description, which opinion received the sanction of the Senate. Your committee are also of the opinion that legislation upon petitions of this character are attended with numerous evils, even if this Legislature had the power. The only evidence before us being the bare petition of the applicant to affect a most solemn contract, and as our Legislature by its laws and our constitution by its provisions have constituted a court and clothed it with full power to adjudicate upon matters of this kind, we would ask, therefore, to be discharged from the further consideration of this petition.

Which report was concurred in by the Senate.

Mr. Nave, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee, to which was referred bill of the Senate No. 38, entitled "a bill further to regulate the duties of clerks, justices of the peace, and school commissioners," have, according to order, had the same under consideration, and have instructed me to report it back to the Senate, recommend that it be stricken out from its enacting clause, and that the bill herewith reported be adopted in lieu thereof.

Mr. Clark moved to concur in the report with the following amendment:

Strike out of the second section all after the word "same;"

Which was agreed to.

Mr. Armstrong moved to add the word "sheriff" after the word "clerk" in second section of said bill;

Which was agreed to.

Mr. Herriott moved to amend by adding after the word "receipts" the words "and said receipts shall be filed in the Clerk's office;"

Which was agreed to, and said bill ordered to be engrossed for a 3d reading.

Mr. Nave, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred a bill of the Senate, No. 39, entitled a bill to amend an act entitled an act regulating the practice in suits at law, approved January 29, 1831, have, according to order had the same under consideration, and are of opinion that legislation on that subject is uncalled for at this time, and have directed me to report said bill back to the Senate and recommend its indefinite postponement;

In which the concurrence of the Senate is respectfully requested.

Which report was concurred in by the Senate, and the bill was indefinitely postponed.

Mr. Baird of St. Joseph, from the judiciary committee, made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred the petition of J. W. Dunn and others, of the county of Cass, praying the legislature to authorize by law females to convey and release dower at the age of eighteen years, have had the same under consideration, and directed me to report that in the opinion of said committee such

an innovation upon our long established laws would be dangerous and unwise. Without going into a detail of all the objections which might be enumerated against the policy of passing such a law, your committee have directed me to report that legislation on said subject is deemed inexpedient; they therefore ask to be discharged from the further consideration of said petition;

Which report was concurred in and the committee accordingly discharged.

Mr. Nave, from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate, instructing them to inquire into the propriety of authorizing suits before justices of the peace against persons who live out of the county to be by summons as well as *capias* at the option of the plaintiff, have had the same under consideration and are of opinion that the proposition contained in said resolution is the law of Indiana at this time, and have directed me to report that legislation on that subject is inexpedient; and your committee ask to be discharged from the further consideration thereof.

The report was concurred in and the committee accordingly discharged.

Mr. Nave, from the judiciary committee, made a report:

MR. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate instructing them to inquire into the propriety of providing by law some method for ascertaining the value of property exempt from execution, have, according to order, had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

On motion of Mr. Eggleston, said resolution was recommitted to a select committee.

Ordered, That said committee consist of Messrs. Eggleston, Clark and Morgan.

Mr. Carnan, from a committee of free conference, made the following report:

MR. PRESIDENT—

The committee of free conference to which was referred the difference of the Senate and House, with respect to the apportionment of Representatives in the counties of Gibson, Pike and Dubois, have had the same under consideration and have agreed to so amend the

bill of the Senate, as that said counties of Gibson, Pike and Dubois, shall elect each one Representative, and have directed me to report the same back to the Senate and ask their concurrence.

Said report was concurred in by the Senate.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Clark made the following report:

MR. PRESIDENT—

The committee of free conference to which was referred the disagreement of the two Houses, to the amendments of the House, to the bill of the Senate, which amendments are Nos. 3, 4 and 14, and relate to the apportionment of Senators and Representatives for the counties of Bartholomew, Brown, Monroe, and Lawrence, have had the subjects under consideration, and have directed me to report, that they have agreed that both Houses recede from their positions, and that the counties of Bartholomew and Jennings shall elect one Senator; the counties of Brown and Monroe jointly shall elect one Senator; and the county of Lawrence shall elect one Senator; and that the counties of Bartholomew and Jennings shall each elect one Representative; and the counties of Brown and Monroe shall elect one Representative jointly; and the county of Lawrence shall elect one Representative; and that the counties of Brown and Monroe jointly, and the county of Lawrence shall elect one additional Representative alternately, commencing with the county of Lawrence.

The report was concurred in.

Ordered, That the Secretary inform the House thereof.

Mr. Cravens, from the committee on modification, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the Senate, No. 64, entitled a bill to divorce Benjamin E. Morris and Keziah Cavit, have had that subject under consideration and have directed me to report the same back to the Senate and recommend its indefinite postponement.

On motion of Mr. Angle, said bill and report were laid on the table.

Mr. Ewing offered the following resolution:

Resolved, That a select committee be appointed to revise the laws regulating the duties of justices of the peace, constables and fence viewers, and prepare a code amendatory thereof and generally to regulate the practice at law before justices of the peace, and that the Senator from Cass constitute that committee; with leave to report by bill or otherwise;

Which was not adopted.

On motion of Mr. Aker,

Resolved That the judiciary committee be instructed to inquire whether it is lawful for the school commissioners in the several counties in this state, to charge 25 per cent. interest (as contemplated by the 9th section of an act amendatory to an act entitled an act incorporating congressional townships and providing for common schools therein, approved February 17, 1840) on loans obtained previous to the passage of the act above referred to, and if on examination, they find it unlawful, that they be instructed to report a bill making it the duty of the several school commissioners to refund the amount so charged to the persons who have paid the same.

Mr. Wright offered the following resolution:

Resolved, That a select committee of one be appointed to inquire into the expediency of licensing coon traders, and that the Senator from Allen be appointed said committee.

Mr. Ewing moved to strike out "the Senator from Allen," and insert "the Senator from Cass."

Mr. Angle moved to amend the amendment by inserting "the Senator from Allen and the Senator from Cass."

On motion of Mr. Stevenson, the resolution and amendments were laid on the table.

Mr. Cravens, from the committee on finance, leave being granted, made the following report:

MR. PRESIDENT—

The committee on finance to which was referred a bill of the Senate, No. 42, entitled a bill for the relief of contractors on the Wabash and Erie canal and for other purposes, have had said bill under consideration, and have made one amendment, viz: "Strike out said bill from the enacting clause and insert the bill herewith reported;

In which amendment the concurrence of the Senate is requested.

Mr. Armstrong moved to concur in the report with the following amendment:

To strike out of the 2d section the words "and for the enlargement of the St. Joseph feeder;"

Which did not prevail.

Mr. Harris moved to amend said bill as follows:

Insert after the words "bearing an interest of six per cent." the words "from the date of the original drafts."

On motion of Mr. Ewing, said bill and proposed amendments were recommitted to the committee on finance.

Mr. Carnan, leave being granted, offered the following resolution:

Resolved, That the Secretary of State be authorized to employ a clerk to aid him in making and compiling a catalogue of books in the State Library, as required by a resolution of the Senate, upon the most reasonable terms, and for a period not longer than five days;

the amount of his services to be paid by the Treasurer of State on the certificate of the Secretary of State.

Mr. Watts moved to amend by striking out all after the word "days" and insert "for which he shall be allowed a compensation in the specific appropriation bill;"

Which was agreed to.

Mr. Watts moved to amend the resolution further by striking out "Secretary of State", and inserting "committee on the State Library."

Which was agreed to, and the resolution as amended was adopted.

The following message was received from the House of Representatives, by Mr. Dowling:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills of the Senate, viz:

No. 24, an act to incorporate the Saint Gabriel College;

No. 37, an act to amend an act entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1831;

No. 33, an act to enforce the payment of tolls on the public works in Indiana;

Also the following enrolled bills of the House:

No. 13, an act to extend the time of final payment to purchasers of the 16th sections;

No. 65, an act for the relief of Mentor S. Johnson, collector of Clay county;

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

Mr. Stafford, leave being granted, offered the following resolution:

Resolved, That when the Senate adjourns, it will adjourn to meet to-morrow at the usual hour;

Which was adopted.

On motion, the Senate adjourned.

SATURDAY MORNING, JAN. 9th 1841.

Senate assembled.

Mr. Foster presented the petition of Joseph Dobson and others, citizens of Kosciusko county, praying for the formation of a new county; also a remonstrance from sundry citizens of said county on the same subject.

Which were read and referred to a select committee of Messrs. Foster, Baird of St. Joseph, and Blair.

Mr. Hoover presented the petition of the Board of Directors of the Branch Bank at Lafayette, which was referred to the committee on the State Bank.

Mr. Baird of St. Joseph presented the petition of Enoch Rhees and Anne his wife, of Kosciusko county, praying for a divorce.

Mr. Test moved to lay said petition on the table, which was decided in the negative.

It was then referred to the committee on the judiciary.

Mr. Thompson moved to instruct the committee to report a bill upon the petition, providing that females may sue for divorce in the circuit court, free of cost;

Which was not adopted.

ORDERS OF THE DAY.

Bill No. 28, of the Senate, to amend an act entitled "an act to incorporate the town of Laporte, approved February 18, 1839,

Was read the third time and passed.

Bill No. 31, of the Senate, to authorize the Governor of this State, to order a special election for Representatives in Congress,

Was read the third time, and

On the question, shall the bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hackett, Hargrove, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Test, Thompson, Watts, Williams, and Wright—34.

Those who voted in the negative were,

Messrs. Berry, Carr, Chamberlain, Foster, Harris, Kinzer, Lowe, Nickel, and Tannehill—9.

So said bill passed.

Bill No. 38, of the Senate, further to regulate the duties of clerks, justices of the peace, and school commissioners,

Was read the third time and passed.

Bill No. 50, of the Senate, an act amendatory of an act entitled "An act organizing the Supreme Court and defining its powers and duties," approved, February 17, 1838, was read the third time, and

On motion of Mr. Parker, referred to the committee on the judiciary.

Bill No. 59, of the Senate, entitled a bill to repeal part of an act entitled an act relative to the New Albany and Vincennes McAdam-

ized road, and for the better regulation thereof, and for other purposes, approved, February 22d, 1840;

Which was read a third time and passed.

Bill No. 4, of the House, to repeal an act regulating the jurisdiction of justices of the peace in Jackson county, approved January 25, 1840,

Which was read a third time and passed.

Bill No. 11, of the House, to amend an act entitled an act to prohibit the amalgamation of whites and blacks, approved February 24, 1840, was read a third time, and the question being, shall the bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Beard of M., Bell, Berry, Blair, Carnan, Carr, Clark, Collins, Dobson, Elliott, Everts, Foster, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Morgan, Mount, Parker, Stafford, Tannehill, Test, Watts, Williams, Wright, and Hackett—32.

Those who voted in the negative were,

Messrs. Arion, Baird of St. Joseph, Chamberlain, Eggleston, Ewing, Moffatt, Nave, Nickel, Riley, Stevenson, and Thompson—11.

So said bill was passed.

Bill No. 51 of the House, to revive certain acts relative to the stay of execution, was read the third time. Mr. Ewing moved to recommit said bill to a select committee, with the following instructions: "to amend so that real estate may not be sold for less than one half of its appraised value, and to give longer time for stay of execution upon judgments."

A division of the question being called for by Mr. Eggleston, and the question was taken on re-committing the bill, and decided in the affirmative.

Mr. Eggleston then moved to re-consider the vote on recommitting the bill,

Which was decided in the affirmative.

Mr. Test moved to amend said bill by striking out these words in the 7th line: "and which amendatory act was;" which was agreed to, and then said bill was passed.

Bill No. 59 of the House, to incorporate the Madison Law Library Society," was read a third time and passed.

Bill No. 80 of the House, to incorporate the Connersville Musical Institute; was read a third time and passed.

Joint resolution No. 61 of the Senate, in relation to the Wabash and Erie Canal, was read the second time, and

On motion of Mr. Angle, referred to the select committee on modification.

Bill No. 62, of the Senate, suspending the further prosecution of the public works, and for other purposes, was read the second time.

Mr. Nave moved to lay said bill on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Beard of M., Bell, Chamberlain, Ewing, Herriott, Moffatt, Nave, Parker, Stafford, Tannehill, Test, and Williams—13.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Morgan, Mount, Nickel, Riley, Thompson, Watts, and Wright—27.

So said motion did not prevail.

Mr. Collins moved to amend said bill by adding sundry additional section.

On motion of Mr. Morgan, said bill and amendments were committed to the select committee on modification.

Bill No 63 of the Senate, in relation to tolls on the public works in Indiana,

Was read a second time and passed to a third reading.

Bill No. 65, of the Senate, for the relief of contractors upon the Wabash and Erie Canal, and for other purposes, was read the third time and referred to the committee on finance.

No. 67 of the Senate, a joint resolution relative to the Steam Boat Lock near Delphi, was read the second time, and

On motion of Mr. Harris, laid on the table.

Bill No. 68 of the Senate, to authorize the Board doing county business in Switzerland county, to establish a toll bridge over Indian Creek, in said county;

Was read a second time and passed to a third reading on Monday next.

Bill No. 69 of the Senate, relative to Officers of State and the Governor's House, was read the second time.

Mr. Stevenson moved to strike out the third and last sections of the bill, which provide for an appropriation to furnish the Governor's House,

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Carr, Chamberlain, Clark, Foster, Hackett, Hargrove, Harris, Herriott, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Stafford, Stevenson, Tannehill, and Watts—24.

Those who voted in the negative were,

Messrs. Aker, Blair, Carnan, Collins, Cravens, Dobson, Eggleston, Everts, Hanna, Hoover, McCord, Parker, Riley, Test, Thompson, Williams, and Wright—17.

So said section was stricken out.

Said bill was then ordered to be engrossed, and read the third time on Monday next.

The following message was received from the House of Representatives, by Mr. Bennett, their assistant clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the decease of Hugh Barnes, an officer of the House, was this morning announced in the House; upon which the House adopted the following resolutions:

Resolved, That the members of this House tender to the family of the deceased, their deep regret on this melancholy occurrence, and offer to them individually and collectively, their warmest sympathy.

Resolved, That the members of this house as a token of regard for the memory of the deceased, will wear the usual badge of mourning for the space of ten days.

Resolved, That the members of this house will, at half 10 o'clock on to-morrow morning, attend the funeral of their deceased friend from his late lodgings in this place.

Resolved, That the Speaker of the House of Representatives be requested to transmit copies of these resolutions to the family of the deceased.

Mr. Dobson offered the following preamble and resolutions:

Whereas, Hugh Barnes, Esq. Sergeant-at-Arms to the House of Representatives, departed this life, on this morning at half past six o'clock, after a short illness: Therefore,

Resolved, That the Senate entertain a high respect for the memory of the deceased, recollecting, with a lively gratitude, his services upon the field of battle, his early associations with western history, and his honest devotion to the general welfare.

Resolved, That they can well appreciate the loss to which his immediate friends and society have been subjected by his loss, and deeply sympathise with his bereaved family in their irreparable loss.

Resolved, That in the death of the deceased, society has been deprived of an honest man, an upright citizen, and a devoted christian.

Resolved, That each member and officer of the Senate will wear crape upon his left arm for the space of ten days.

Resolved, That a copy of the above resolutions be transmitted to the family of the deceased.

Resolved, That the members and officers of the Senate will attend

the funeral of the deceased at the Methodist Episcopal church to-morrow at half past 10 o'clock.

Which were unanimously adopted.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The orders of the day were resumed.

Bill No. 70, of the Senate, to amend an act entitled "an act to incorporate the town of New-Castle in the county of Henry," approved Feb. 6th, 1839;

Was read the second time and passed to a third reading

Bill No. 71, for the appointment of a chaplain to the state prison;

Which was read a second time and referred to the committee on the state prison.

Joint resolution of the House No. 1, on the subject of amending the constitution of the United States;

Was read the second time.

Mr. Harris moved to amend the same by adding after the word "term," the following words, "which term shall not exceed four years;"

And the ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Berry, Carr, Elliott, Foster, Harris, Hoover, Kinzer, Lowe, Nave, Nickel, Stevenson, Tannehill and Watts—13.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. Joseph, Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Ewing, Herriott, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Thompson, Williams and Wright—22.

So said amendment was not adopted.

On motion of Mr. Thompson, the rules were suspended and said joint resolution was read a third time.

And on the question, shall said joint resolution pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Beard of M., Blair, Berry, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Harris, Herriott, Hoover, McCord, Moffatt, Morgan, Nave, Nickel, Parker, Riley, Stafford, Stevenson, Thompson, Watts, Williams and Wright—31.

Those who voted in the negative were,

Messrs. Carr, Chamberlain, Kinzer, Lowe, Mount, and Tannehill—6.

So said joint resolution passed.

Bill No. 72, of the House, to authorize the State of Michigan to make certain improvements in the St. Joseph river, and for other purposes;

Was read a second time and ordered to a third reading.

Mr. Baird of St. Joseph moved to suspend the rule and the bill be read a third time now;

Which motion prevailed, and said bill was read a third time and passed.

Bill No. 94, of the House, to regulate the receipt and disbursement of the internal improvement fund;

Was read a second time, and,

On motion of Mr. Nave, referred to the committee on canals and internal improvements.

Bill No. 96, of the House, to vacate a part of the town of Bowling-green in Clay county;

Was read a second time and ordered to a third reading on Monday next.

Bill No. 98, of the House, regulating the taking up of animals going estray, and water craft and other articles of value adrift;

Was read a second time,

And, on motion of Mr. Armstrong, referred to the same select committee to which a bill of the Senate on the same subject had been referred.

Bill No. 99, of the House, to prevent speculations by collectors in Treasury notes and other moneys;

Was read a second time and referred to the committee on the judiciary.

Bill No. 104, of the House, to authorize Thomas S. Hines to establish a ferry therein named;

Was read the second time and ordered to be read a third time on Monday next.

Bill No. 105, of the House, to amend an act entitled "an act relative to roads in Parke county;

Was read a second time and ordered to a third reading on Monday next.

Bill No. 106, of the House, to authorize probate judges to issue writs of *habeas corpus*, and proceed to trial thereon;

Was read a second time and referred to the committee on the judiciary.

Bill No. 110, of the House, to amend an act organizing the Supreme Court and defining its powers and duties, approved February 17th, 1838;

Was read a second time and referred to the judiciary committee.
 Bill No. 113, of the House, for the relief of late collectors for the county of Harrison and for other purposes;

Was read the second time and ordered to a third reading on Monday next.

No. 122, of the House, a joint resolution relative to the election of President and Vice President of the United States;

Was read a second time and ordered to a third reading on Monday next;

The President laid before the Senate the following communication from the Board of Internal Improvements, which was read and referred to the committee on canals and internal improvement.

INDIANAPOLIS, Jan. 8, 1841.

HON. SAMUEL HALL,
President of the Senate:

SIR: Please lay before the Senate the enclosed report, in reply to a resolution of that body.

Respectfully,
 N. NOBLE.

OFFICE OF BOARD OF INTERNAL IMPROVEMENT, }
 January 7, 1841. }

HON. SAMUEL HALL,
President of the Senate:

The first spare moment of the Board from other calls of the two Houses, has been employed in looking through the records of the previous Boards for the facts in relation to the extension of the Central Canal from the first point of termination at Evansville, through the addition made to it by Messrs. John Law and others, to the mouth of Pigeon Creek, as required by a resolution of the Senate of the 29th ult.; and as far as the facts have been ascertained, the history of that transaction may be given as follows.

On the 7th of December, 1837, Mr. Blake presented to the Board the memorial of the proprietors asking the Board to modify the contract entered into between them and John A. Graham, Esq., whereby they have obligated themselves, in consideration of the termination of the canal on their land, to construct that part running through it at their own expense; which memorial was referred to the committee of the Board on roads and canals.

On the 30th of Jan. following, Mr. Blake, from the committee, reported that "the committee on roads and canals, to whom was referred the memorial of John Law and others, praying that the contract made by them with the State of Indiana, for the construction of a por-

tion of the Central Canal, at the southern termination thereof, should be so altered as to devolve upon the State the construction of said portion of said work, and that the same be put under contract as soon as possible, the said memorialists giving ample security to the State for the prompt reimbursement of the expenditure made, have had the same under consideration and respectfully report:

"That they deem the prayer reasonable and consistent with what is due from the Board to the public interest, so far as relates to the construction of the work by the State, and recommend to the Board that in proper season, that contract should be so altered.

"Your committee object to that part of the memorial which desires the Board to make an order that the said portion of canal, as contemplated, be put under contract as early as possible, as the basin at that point would be useless until the southern division of the Central canal has been so far completed as to create a considerable commerce upon it. This will not be effected by the completion of the division of work now under contract upon that line. In the mean time suggestions may address themselves to the Board, under the influence of which, and the modification of the contract above alluded to, it may be deemed expedient to have that terminating point opened as far as the established site for the basin. Your committee recommend the adoption of the following resolution:

"Resolved, That the acting commissioner on the southern division of the Central canal, cause the contract with John Law and others, for the construction of a portion of said canal at Evansville, to be modified conformably to this report, with their assent."

On the 16th of February, 1838, Mr. Graham obtained an order of the Board for putting under contract that part of the line below Evansville, to the site for water-power on the bank of Pigeon creek, if the Commissioner and Chief Engineer should think the interests of the State required it, and upon the condition that the Commissioners should obtain of the proprietors sufficient security to the State for the expenditure to be made.

In the course of the year, after the Board made the above order, the work was extended to the point named.

In examining the official communications of the Chief Engineer to the Acting Commissioner, on this subject, I find a letter dated 19th June, 1838, disapproving of the letting of the work at that time, below the original termination. I find also, a second letter from the same officer, dated 3d August, 1838, disapproving of the modification of the original contract, for the reasons as stated in the letter, that it was in effect making a loan of the public funds to the company—but withdrawing his opposition to the letting of the work, and submitting it wholly to the discretion of the Acting Commissioner, on the ground that the Board of Internal Improvement, whose right it was, had previously decided the question as to the contract, and that the particular time when the State should make the expenditure, whether a year earlier or later, was not of very great importance; and on the further ground, that if the State had to construct this branch at all, it

could be superintended at less cost while the corps of Engineers were still employed on that part of the line.

The Board are informed that Messrs. Law & Co. donated to the State at the mouth of Pigeon creek, several acres of land for the use of the water-power; and they think it probable that it was in viewing it in the light of a branch for the use of the water-power, that the former Board found authority for the extension below the original town of Evansville.

The length of this extension or branch is five-sixth of a mile, and its cost \$8,364 81.

Of the value of the security taken by the Commissioner, of the proprietors, to re-emburse the State, this Board are not informed, nor are they aware of the payment of any part of the expense by the proprietors, there being no documents on the files of the office giving information as to the character of the security, or the reimbursement of the expenditure made.

Respectfully submitted,

N. NOBLE,

Prest.

Also, a communication from the Board of Internal Improvement in answer to a resolution of the Senate, which was read, and

On motion of Mr. Arion, laid on the table.

Ordered, That 200 copies of said report be printed for the use of the Senate.

On motion of Mr. Nave, bill No. 34 was taken from the table.

Mr. Nave moved to amend the amendment to the bill, proposed by the committee to which said bill had been referred, by striking all out after the enacting clause and inserting a substitute.

A division being called for by Mr. Angle,

The question was put on striking out, and

Decided in the affirmative.

The question then being on adopting the amendment proposed by Mr. Nave.

Mr. Elliott moved to refer said bill to a select committee;

Which motion prevailed, and

Messrs. Elliott, Thompson, and Nave, were appointed said committee.

Mr. Parker, leave being granted, introduced bill No. 72, to fix the time of holding the Probate Courts in Fayette county;

Which was read the first, second, and third times, the rule having been suspended, and passed.

Mr. Collins, from the committee on elections, leave being granted, made the following report:

MR. PRESIDENT—

The committee on elections to which was referred the credentials of the recently elected members of the Senate, have, according to or-

der, had the same under consideration, and have instructed me to report, that from the evidences exhibited to the committee, the following Senators have been duly elected to represent the several districts following, to-wit:

County of Switzerland,	- - -	Joseph C. Eggleston,
" of Decatur,	- - -	James Morgan,
" of Dearborn,	- - -	Johnson Watts,
" of Franklin,	- - -	David Mount,
" of Cass, Miami, and Fulton,	- - -	Williamson Wright,
" of Marion,	- - -	Robert Hanna,
" of Park,	- - -	Samuel H. McCord,
" of Wayne,	- - -	Charles H. Test,
" of St. Joseph, Kosciusko, Marshall, and Stark,	- - -	Thomas D. Baird,
" of Fountain,	- - -	Absalom Mendenhall,
" of Clinton and Carroll,	- - -	Horatio J. Harris,
" of Floyd,	- - -	James Collins,
" of Tippecanoe,	- - -	Samuel Hoover,
" of Montgomery,	- - -	John Beard,
" of Vigo, Sullivan, and Clay,	- - -	James T. Moffatt,
" of Fayette and Union,	- - -	Samuel W. Parker,
" of Randolph and Delaware,	- - -	Michael Aker,
" of Posey Vanderburgh and Warrick,	- - -	Gaines H. Roberts,
" of Laporte, Porter, Lake, Jasper, White, Benton Pulaski,	- - -	Sylvanus Everts,

Which is respectfully submitted. 19

Mr. Williams, from the committee on enrolled bills, made a report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did on this day compare the following enrolled with the engrossed bills of the Senate, and find the same correctly enrolled, to-wit:

No. 24, an act to incorporate Saint Gabriel College,

No. 33, an act to enforce the payment of tolls on the public works in Indiana,

No. 37, an act to amend an act entitled "an act subjecting real and personal estate to execution," approved, February 4th, 1831.

Mr. Williams made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills, report, that they did on this day present to His Excellency the Governor, for his approval and signature, bills of the Senate of the following titles, to-wit:

No. 24, An act to incorporate St. Gabriel College,

No. 33, An act to enforce the payment of tolls on the public works in Indiana,

No. 37, an act to amend an act entitled, an act subjecting real and personal estate to execution, approved, February 4th, 1831;

Also, bills of the House as follows, to wit:

No. 13, an act to extend the time of final payment to purchasers of the 16th sections,

No. 65, an act for the relief of Mentor S. Johnson, Collector of Clay county.

The following message was received from his Excellency the Governor, by Mr. Moore, his Private Secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that on this day he has approved and signed

An act to incorporate Saint Gabriel College,

An act to amend an act entitled "an act subjecting real and personal estate to execution," approved, February 4, 1831,

An act to enforce the payment of tolls on the public works in Indiana;

All of which originated in the Senate.

On motion, the Senate adjourned.

MONDAY MORNING, JANUARY 11, 1841.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Chiles, a member:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 103, an act to provide for the revision of the laws; in which the concurrence of the Senate is respectfully requested.

The bill named in the above message was read the first time, and passed to a second reading on to-morrow.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the reports of the several joint

committees of free conference on the several matters of disagreement between the two Houses, in relation to a bill of the Senate, No. 45, for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana.

A message from the House, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has adopted the following resolutions:

Resolved, That the members and officers of the House of Representatives, as a mark of respect to the Hon. George Boon, late a member of this body, will wear crape on the left arm, for the remainder of this session.

Resolved, That arrangements be made, at the expense of the State, to convey the body of the deceased to his family residence.

Resolved, That as a tribute of respect to the character and virtues of the deceased, the members of the House, the Governor, and officers of State, will form in procession at the Capitol, this day, at 10 o'clock, A. M., and move in that order, to Basil Brown's, and from thence, attend the deceased to the limits of this city, and that the Senate be informed of the adoption of these resolutions, and their concurrence respectfully requested.

Resolved, That joint participation on the part of the Senate be requested in the procession.

Resolved, That the editors of Indianapolis be requested to publish the foregoing report and resolutions, and that the Speaker of the House transmit to the family of the deceased a copy of the same.

Resolved, That John Flint, acting Sergeant-at-arms of this House, be directed to accompany the remains of our deceased friend and fellow member, George Boon, of Sullivan, to his late residence, as an additional token of regard for his private virtues and public services, and of the deep regret which the Representatives of the people feel on this melancholy occasion.

Resolved, That this House do now adjourn until to-morrow morning at 9 o'clock.

Said resolutions were concurred in by the Senate.

Mr. Moffatt offered the following resolutions, which were unanimously adopted:

Resolved, That the Senate reciprocate the resolutions of the House of Representatives, in relation to the loss sustained by that body, in the death of the Hon. George Boon.

Resolved, That the Senate entertain the highest respect for the memory of the Hon. George Boon, formerly a member of this body, and duly appreciate the loss sustained by his family and numerous friends.

Resolved, That as a token of respect for the virtues of the deceased the members of the Senate will wear the usual badge of mourning during the remainder of the session.

Resolved, That a copy of these resolutions be transmitted to the family of the deceased.

Resolved, That the Senate do now adjourn.

TUESDAY MORNING, JANUARY 12, 1841.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Bennett, assistant clerk:

MR. PRESIDENT—

I am directed by the House of Representative to inform the Senate, that the House has passed an engrossed bill thereof, of the following title:

No. 117, an act to confirm to Nathaniel West, a certain lease of water power, therein named; in which the concurrence of the Senate is respectfully requested.

The bill named in the above message was read the first time, and

On motion of Mr. Thompson,

The rule was suspended, and said bill read the second time and referred to a select committee of Messrs. Thompson, McCord, and Angle.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate, that the House has passed the following engrossed bills thereof:

No. 118, an act to amend an act entitled, an act to incorporate the town of Indianapolis, in the county of Marion, approved February 17, 1838.

No. 125, an act to authorize the board doing county business in the county of Spencer, to increase the number of places of holding elections in said county.

No. 126, an act to amend an act to regulate the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838.

No. 127, an act to authorize the sale of the asylum for the poor, in the county of Harrison; in which the concurrence of the Senate is respectfully requested.

The bills named in the above message, were severally read the first time, and passed to a second reading on to-morrow.

PETITIONS PRESENTED.

By Mr. Berry, from sundry citizens of Lawrence and Monroe counties, in relation to a State road, which was read and referred to a select committee of Messrs. Berry, Clark, and Morgan.

By Mr. Baird of St. Jos., from sundry citizens of Kosciusko county, in relation to the county seat, which was read and referred to the same select committee, to which a petition upon the same subject had been referred.

By Mr. Harris, from sundry citizens of Carroll county, praying for the formation of a new county, which was read, and,

On motion of Mr. Harris,

Referred to the judiciary committee, with the following instructions, to report upon the constitutionality of granting the prayer of the petitioners.

Mr. Chamberlain presented a remonstrance from sundry citizens of the counties of Lagrange and Noble, against said counties being annexed and made one county;

Which was read and referred to a select committee of Messrs. Chamberlain, Aker and Roberts.

Mr. Arion presented the petition of A. Hendricks and Son, contractors on the second section of the first division of the Madison and Indianapolis Rail-road;

Which was read and referred to the committee on canals and internal improvements.

Mr. Aker presented the petition of Hiram Mendenhall and others, citizens of Randolph county, in relation to the county seminary in said county;

Which was read and referred to a select committee of Messrs. Aker, Hoover and Stevenson.

Mr. Moffatt presented the petition of Orson Willard, praying for the passage of a special act legalizing the record of the last will and testament of Thomas A. Willard, in the Recorder's office of Sullivan county;

Which was read and referred to a select committee of Messrs. Moffatt, Baird of St. J. and Test.

Mr. Eggleston, from the committee of finance to which bill of the House No. 79, to prohibit the making, issuing or circulating small notes or bills, had been referred, reported the same back with the following amendment:

Insert after the word "notes" in the third line of the fourth section, these words, "checks, drafts, certificates of deposite, or any other paper;"

Which amendment was concurred in by the Senate.

Mr. Chamberlain moved to amend said bill by striking out the words "other than the notes of the State Bank of Indiana, or of the chartered Banks of other states."

A division being called for;

The question was taken on striking out the words "on State Bank of Indiana;"

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Bell, Berry, Carnan, Carr, Chamberlain, Dobson, Foster, Hackett, Harris, Kinzer, Lowe, Nickel, Roberts, Stevenson, Tannehill, Thompson and Watts—18.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Blair, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Test, Williams and Wright—27.

So said motion to strike out did not prevail.

Mr. Stevenson moved to amend said bill by striking out the words "or chartered Banks of other states."

Mr. Thompson moved to lay the bill and amendments on the table;

The ayes and noes being ordered:

Those who voted in the affirmative were,

Messrs. Aker, Arion, Bell, Blair, Clark, Collins, Hanna, Hoover, McCord, Moffatt, Morgan, Nave, Parker, Thompson, Watts and Wright—16.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. J., Beard of Mont., Berry, Carnan, Carr, Chamberlain, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Harris, Herriott, Kinzer, Lowe, Mount, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Test and Williams—29.

So said motion was lost.

The question then recurring on the motion of Mr. Stevenson, to strike out the words "or chartered Banks of other states;"

The ayes and noes being ordered.

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Blair, Carr, Chamberlain, Dobson, Hackett, Harris, Lowe, Kinzer, Nave, Nickel, Stevenson and Tannehill—11.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. J., Beard of M., Bell, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Ewing, Foster, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Test, Watts, Williams and Wright—30.

So said motion to strike out did not prevail.

Mr. Moffatt moved to amend said bill by adding the following:

Sec. 5. That for the purpose of substituting a sound for an unsound currency and providing means by which the citizens of this state may dispense with the use of shin plasters, the State Bank of Indiana is hereby authorized through her branches to issue one, two and three dollar bills to the amount of one million of dollars for the term of three years and not thereafter, unless hereafter authorized by law.

Mr. Stevenson moved to lay said amendment upon the table;

And before the question was taken on said motion;

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The subject pending at the last adjournment was resumed;

The question being on the motion of Mr. Stevenson to lay on the table the amendment to the bill under consideration, offered by Mr. Moffatt;

It was decided in the affirmative.

Mr. Moffatt moved to lay the bill on the table;

The ayes and noes being ordered;

Those who voted in the affirmative were,

Messrs. Aker, Hanna, Moffatt, Nave, Parker, Thompson, Watts and Wright—8.

Those who voted in the negative were,

Messrs. Armstrong, Angle, Arion, Baird of St. J., Beard of M., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hackett, Harris, Herriott, Hoover, Lowe, McCord, Morgan, Mount, Nickel, Riley, Stevenson, Tannehill, Test and Williams—31.

So said motion did not prevail.

Mr. Moffatt moved to re-commit said bill to a select committee.

Mr. Eggleston moved the previous question;
The ayes and noes were ordered;

Those who voted in the affirmative were,

Messrs. Angle, Baird of St. Joseph, Beard of Montgomery, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Herriott, Hoover, McCord, Mount, Riley, Stafford, Stevenson, Test and Williams—20.

Those who voted in the negative were,

Messrs. Aker, Bell, Berry, Blair, Carr, Chamberlain, Dobson, Hackett, Hanna, Harris, Lowe, Moffatt, Morgan, Nave, Nickel, Parker, Tannehill, Thompson, Watts and Wright—20.

So said call was not seconded.

The question then recurred on the motion of Mr. Moffatt to recommit to a select committee;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Bell, Blair, Chamberlain, Clark, Collins, Everts, Hanna, Herriott, Moffatt, Nave, Nickel, Parker, Tannehill, Thompson, Watts and Wright—17.

Those who voted in the negative were,

Messrs. Angle, Baird of St. Joseph, Beard of Mont., Berry, Carnan, Carr, Cravens, Dobson, Eggleston, Elliott, Ewing, Hackett, Harris, Hoover, Kinzer, Lowe, McCord, Morgan, Mount, Riley, Stafford, Stevenson, Test and Williams—24.

So said motion to recommit was lost.

Mr. Lowe moved to amend said bill, by inserting at the end of the 4th section, the following proviso: *Provided, however,* that nothing in this act shall be so construed as to authorize the State Bank of Indiana, or any Branch thereof, to issue any bill of a less denomination than five dollars.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Clark, Cravens, Dobson, Elliott, Hackett, Hanna, Harris, Kinzer, Lowe, Moffatt, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, Thompson and Wright—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. Joseph, Beard of M., Bell, Blair, Carnan, Collins, Eggleston, Everts, Ewing, Herriott, Hoover, McCord, Morgan, Mount, Parker, Riley, Test, Watts and Williams—21.

The President voted in the affirmative.

So said amendment was adopted.

Mr. Test called the previous question;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Hanna, Harris, Herriott, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Riley, Roberts, Stafford, Stevenson, Test, Williams and Wright—32.

Those who voted in the negative were,

Messrs. Aker, Beard of M., Bell, Blair, Hoover, Nave, Nickel, Parker, Tannehill, Thompson and Watts—11.

So said call for the previous question was seconded;

Whereupon, the question being "shall the main question be now put?"

It was decided in the affirmative.

Which main question was, shall the amendments be engrossed, and the bill be read the third time to-morrow.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Morgan, Mount, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Watts, Williams and Wright—36.

Those who voted in the negative were,

Messrs. Aker, Bell, Hackett, Hanna, Moffatt, Nave, Parker, and Thompson—8.

So said amendments were ordered to be engrossed, and the bill read the third time to-morrow.

Mr. Test moved to suspend the rule, and the bill be read the third time now;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Carr, Chamberlain, Clark, Cravens, Dobson, Elliott, Everts, Ewing, Harris, Hoover, Kinzer, Lowe, Mount, Roberts, Stafford, Stevenson and Test—18.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Beard of M., Bell, Berry, Blair, Carnan, Collins, Eggleston, Hackett, Hanna, Herriott, McCord, Moffatt, Morgan, Nave, Nickel, Parker, Riley, Tannehill, Thompson, Watts, Williams and Wright—25.

So said motion to suspend did not prevail.

Mr. Angle, leave being granted, presented the petition of sundry citizens of Boon county, praying for the passage of a special act, legalizing the conveyance of certain property,

Which was read, and referred to a select committee of Messrs. Angle, Berry and Wright.

Mr. Carnan, from the committee on Federal Relations, to which had been referred so much of the Governor's message as relates to a distribution of the proceeds of the sales of Public Lands, and the Tariff, and also joint resolution of the Senate, No. 16, made a report, with a joint resolution, No. 72, in relation to duties on foreign goods;

Which was read the first time, and ordered to a second reading on to-morrow.

Joint Resolution, No. 16, of the Legislature of Indiana, on the subject of the public lands of the United States, which was reported back from the same committee without amendment,

Was ordered to a third reading.

Mr. Harris moved to reconsider the vote on ordering Joint Resolution, No. 16, to a third reading;

Which motion did not prevail.

Mr. Dobson moved that — copies of the report of the committee on Federal Relations, referred to, be printed.

Mr. Baird moved to fill the blank with "1,000."

Mr. Ewing named 500.

Mr. Chamberlain named 50.

A division being called,

The question was on printing,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Baird of St. Joseph, Beard of M., Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, McCord, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Test, Williams and Watts—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Bell, Berry, Carr, Chamberlain, Foster, Hackett, Harris, Hoover, Kinzer, Lowe, Nickel, Roberts and Tannehill.

So the motion to print prevailed.

The question, then, being on filling the blank with 1000 copies, The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Blair, Carnan, Clark, Collins, Eggleston, Ewing, McCord, Parker, Stevenson and Test—11.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Beard of M., Bell, Berry, Carr, Chamberlain, Cravens, Dobson, Elliott, Everts, Foster, Hackett, Harris, Herriott, Hoover, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Roberts, Stafford, Tannehill, Watts, Williams and Wright—30.

So the blank was not so filled.

The question was then on printing 500 copies;

The ayes and noes were demanded,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. J., Beard of M., Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Herriott, Hoover, McCord, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Test, Watts, Williams and Wright—27.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Bell, Berry, Carr, Chamberlain, Foster, Hackett, Harris, Kinzer, Lowe, Nickel, Roberts and Tannehill—14.

So 500 copies of said report were ordered to be printed.

On motion of Mr. Test, the order of business was suspended, to offer the following resolution:

Resolved. That the Senate concur in the sentiments contained in the report of the committee on federal relations just reported and ordered to be printed.

The question being, shall said resolution be adopted?

And the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Test, Thompson, Watts, Williams and Wright—32.

Those who voted in the negative were,

Messrs. Berry, Carr, Chamberlain, Dobson, Hackett, Harris, Kinzer, Lowe, Nickel, Roberts and Tannehill—11.

So said resolution was adopted.

Mr. Arion, from the committee on the State Bank, made the following report:

MR. PRESIDENT—

The committee on the State Bank, to whom was referred a resolution of the Senate, directing an inquiry into the expediency of paying the Bank the debt due her, by the bonds of the state, and of authorizing the Bank to issue small notes of a less denomination than five dollars; on condition that the Bank will redeem the outstanding Treasury Notes of the state; the state transferring to the Bank her bonds to cover the amount of treasury notes so far as aforesaid named by the Bank, have, according to order, had the same under consideration and directed me to report, that inasmuch as a bill is now before the Senate, embracing all that is contained in this resolution, it is deemed inexpedient to act further on said subject, and ask to be discharged from the further consideration of said resolution.

Said report was concurred in and the committee discharged.

Mr. Stevenson, from the committee on agriculture, made the following report:

MR. PRESIDENT—

The committee on agriculture, to which was referred a resolution to inquire what amendments, if any, are necessary to an act to organize agricultural societies so as to promote more effectually the agricultural interests of the state, have had the same under consideration, and have directed me to report the following bill:

Bill No. 73, to amend an act entitled an act for the encouragement of agriculture, approved Feb. 7, 1835;

Which was read the first time and passed to a second reading.

Mr. Morgan, from a select committee, made a report:

MR. PRESIDENT:

The select committee to which was referred the petition of Daniel Moss and others, praying for the passage of an act authorizing the county board of the county of Decatur to make an appropriation, to be paid out of the treasury of said county, for the support of Robert Barkley, a lunatic of said county, have, according to order, had the subject matter under consideration and have directed me to report a bill in accordance with the wishes of the petitioners, and ask to be discharged from the further consideration thereof:

Bill No. 74 for the relief of Micajah Barkley,

Was read the first time and passed to a second reading.

Mr. Aker, from a select committee, made a report:

MR. PRESIDENT—

The select committee to whom was referred the petition of James Vataw and others, praying the location of a state road from Muncietown to the Ohio state line in Jay county, have had the same under consideration and have instructed me to report the following bill and recommend its passage.

Bill No. 75, to locate a certain state road therein named,

Was read the first time and passed to a second reading.

Mr. Cravens, from the select committee on modification, made the following report:

MR. PRESIDENT—

The select committee on the subject of modification to which was referred a bill of the Senate, No. 62, entitled a bill suspending the further prosecution of the public works and for other purposes; and also an amendment proposed to said bill by Mr. Collins, have had said bill and amendment under consideration, and have made an amendment, viz: Strike out all after the enacting clause and insert the bill herewith reported.

Mr. Collins moved the following amendment to said amendment: In proviso, strike out "fifteen" and insert "five;" and at the end of the proviso, add as follows:

With six per centum interest per annum thereon from the date of such advancement or advancements.

Before the question was taken on said amendment;

On motion, the Senate adjourned.

WEDNESDAY MORNING, JANUARY 13, 1841.

The Senate assembled.

The President laid before the Senate the following communication from N. Noble, Esq., President of the Board of Internal Improvement;

Which was read and laid on the table.

OFFICE OF BOARD OF INT. IMPROVEMENT, }
Indianapolis, Jan. 11, 1841. }

HON. SAMUEL HALL,

President of the Senate:

In reply to a resolution of the Senate calling for information in relation to the payment of treasury notes to the contractors on the rail road, and to the relinquishment of their work, the Board have to say, that no distinction was made or preference given, in any way, to the contractors on that work in the adjustment of their accounts; that the joint resolution of December, 1839, directed the Board, whilst settling the accounts of contractors, to deduct from their estimates all claims of laborers, and such sums due to others as the contractors might direct. Under this right many of the contractors on the rail road, as well as on other works, distributed nearly the entire amount of their earnings in other names, whilst some parceled out the whole sum due them. In consequence of this disposition of a large portion of their estimates, a small part only was left in the names of the contractors. No payment in treasury notes on the rail road or other works of the kind alluded to, has been made by the Board.

In their annual report the Board informed the legislature that the company at Madison purchasing the rail road bonds in 1838, had failed in disposing of them in the eastern cities, except of a small part; that this company had entered into an arrangement with the contractors by which they were to pay part money and part bonds for the work to be done, and that under that arrangement the work was generally resumed last summer. In addition to these payments for new work, it was understood to be a part of the plan of the company to pay the contractors the balances due them for work previously done.

As regards the relinquishment of the work, the Board ask permission to repeat what they said in their annual report, that the work on the rail road and on the White-water canal had not been given up.

Respectfully submitted,
N. NOBLE,
President of the Board.

The President laid before the Senate the following communication;

Which was read and laid upon the table:

OFFICE OF THE VERNON SAVINGS INSTITUTION, }
Vernon, January 6, 1841. }

HON. SAMUEL HALL,

President of the Senate:

I herewith transmit the fourth annual report of the Vernon Savings Institution, which you will lay before the body over which you have the honor to preside.

Yours, very respectfully,

GEORGE W. BRANHAM, Sec'ry.

To the Honorable Senate

of the State of Indiana:

The committee of the House of Representatives, to whom was referred the last annual report from this office, during the last session of the Legislature, made a report thereon, which was incorrect, (for which see the journals of the House of last winter,) and having been used by one Jno. L. Spann (a member of the House last winter,) to the injury of this institution, and the officers of the same, therefore, the profits and loss from the commencement of the institution in 1836, up to the present time, is presented in detail, with request that the same be entered on the journals of the Senate.

The condition of the institution is as follows, viz:

LIABILITIES.		RESOURCES.	
687 shares stock \$50		Notes, Bills, and	
per share, - - -	\$34,350 00	Drafts, - - - -	8,230 25
Am't on deposit, -	215 00	Stock Notes, - -	26,290 00
Profit and loss, from		Contingent expen-	
Nov. 25, 1836, up		ses, - - - -	115 50
to Jan. 5, 1841, -	3,242 23	Dividends paid, -	3,143 98
Stock forfeited to the		Cash on hand, - -	43 46
institution, - - -	15 46		
	\$37,823 19		37,823 19

The foregoing report is respectfully submitted.

G. W. BRANHAM,—Sec'ry V. S. I.

Also, the following report, which was read and laid on the table.

*To the Honorable the General Assembly
of the State of Indiana,*

In pursuance of the act incorporating the Salem Savings Institution, herewith is submitted a statement, exhibiting the condition of said institution, upon the 1st day of January, 1841, viz:

ASSETS.		LIABILITIES.	
Bills receivable, -	\$110,062 50	Capital Stock, - -	\$122,278 00
Notes and bills, -	15,025 47	Deposite, - - -	2,153 62
Cash on hand, -	436 69	Surplus Fund, - -	608 31
Office furniture, -	129 18	Discount, - - -	402 53
Expense account, -	58 68	Interest, - - -	231 44
		Exchange, - - -	38 62
	\$125,712 52		\$125,712 52

Owing to the pecuniary embarrassment which have existed for some time past, the operations of the institution have been and continue to be, quite limited.

All of which is respectfully submitted.

ELI W. MALOTT, President.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the amendments of the Senate, to bills of the House, as follows:

No. 4, an act to repeal an act regulating the jurisdiction of justices of the peace in Jackson county, approved Jan. 25, 1840.

No. 51, an act to revive certain acts relative to a stay of executions.

No. 80, an act to incorporate the Connersville Musical Institute.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate that the House has passed an engrossed bill thereof;

No. 139, an act to authorize an additional justice of the peace, and constable, in Jackson township in the county of Putnam; in which the concurrence of the Senate is respectfully requested.

The bill named in the above message was read the first time, and passed to a second reading to-morrow.

PETITIONS PRESENTED.

By Mr. Wright, of sundry citizens of Cass county, in relation to the county seminary in said county; which was read and referred to the committee on the judiciary.

By Mr. Aker, from sundry citizens of Delaware county, in relation to a State road; which was read and referred to a select committee of Messrs. Aker, Hoover, and Stevenson.

By Mr. Harris, the petition of Timothy Gridley and Abram P. Pen-neman, contractors on the Wabash and Erie canal, for relief; which was read and referred to the committee on canals and internal improvements.

REPORTS FROM SELECT COMMITTEES.

Under this order, the report of the select committee on modification, made on yesterday with the bill No. 62, "suspending the further prosecution of the public works, and for other purposes;" which had been referred to said committee, and reported back with an amendment, came up for consideration.

The question being on the amendment to the amendment of the committee, proposed by Mr. Collins.

Mr. Test moved to re-commit said bill and amendments, to the committee on canals and internal improvements, with the following instructions:

"To make it the duty of the board of internal improvements, to select two of the public works provided for in the system of internal improvements, adopted in 1836—and to make it the duty of said board, in the selection of the same to take into consideration those nearest to completion, and which would yield the greatest amount of revenue when finished, and for the completion thereof to provide for the sale of six per cent. bonds for cash and at par; and in case such bonds cannot be sold, to authorize the board to pay such bonds as cash to contractors for any work that may be done under existing contracts at a rate not exceeding the estimates on each section."

Before any decision was had thereon, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Williams, from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report that they did, on this day, compare the following engrossed bills and joint resolutions of the House, with the enrolled, and find the same correctly enrolled to-wit:

No. 1, a joint resolution on the subject of amending the constitution of the United States.

No. 4, an act to repeal an act regulating the jurisdiction of justices of the peace in Jackson county, approved Jan. 25, 1840.

No. 11, an act to amend an act entitled, an act to prohibit the amalgamation of whites and blacks.

No. 51, an act to revive certain acts relative to a stay of execution.

No. 59, an act to incorporate the Madison Law Library Society.

No. 72, an act to authorize the State of Michigan to make certain improvements on the St. Joseph river, and for other purposes.

No. 77, an act to prevent the spreading of the disease, commonly called the glanders among horses.

No. 80, an act to incorporate the Connersville Musical Institute.

No. 105, an act to amend an act entitled, an act relative to roads in Parke county, approved Feb. 18, 1839.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills of the House, and the following joint resolution,

No. 105, an act to amend an act entitled, "an act relative to roads in Parke county," approved Feb. 18, 1839;

No. 77, an act to prevent the spreading of the disease commonly called the glanders, among horses.

No. 80, an act to incorporate the Connersville Musical Institute;

No. 72, an act to authorize the State of Michigan to make certain improvements on the St. Joseph river; and for other purposes;

No. 59, an act to incorporate the Madison Law Library Society;

No. 51, an act to revive certain acts relative to a stay of execution;

No. 11, an act to amend an act entitled, an act to prohibit the amalgamation of whites and blacks;

No. 4, an act to repeal an act regulating the jurisdiction of Justices of the Peace in Jackson county, approved Jan. 25th, 1840;

No. 1, a joint resolution on the subject of amending the Constitution of the United States;

I have been directed to bring the the same to the Senate for the signature of the President thereof.

And the President signed the said bills and joint resolution.

The Senate then again resumed the consideration of the subject pending at the last adjournment.

Mr. Bell moved to amend the instructions, so as to make it the duty of the committee to inquire into the *expediency* of the proposed measure, instead of being *imperative* upon them.

Before any question was taken, the Senate adjourned.

THURSDAY MORNING, JAN. 14, 1841.

Senate assembled.

The following message was received from the House of Representatives, by Mr. Hager, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill of the Senate, without amendment:

No. 48, an act to secure to the owners of land upon which the public works have been suspended, the use of the same.

Also the following engrossed bills of the House:

No. 145, an act to distribute the school funds, and for other purposes, in Perry county;

No. 147, an act to repeal the 103d section of an act therein named, so far as relates to Perry county;

No. 149, an act to enable the Treasury to meet the current demands for the civil list of 1841, growing out of the deficit of 1840;

No. 150, an act for the relief of the Miami, and other Indians;

No. 152, an act for the relief of Cinderella Hooker;

No. 153, an act for the relief of Elvira Garner;

No. 154, an act providing for draining swamps, ponds, marshes, bogs, and other low lands, within the county of Spencer;

No. 156, an act for the relief of school district, No. 3, in township No. 6, south of range No. 10, in Vanderburg county;

No. 157, an act to define the boundary line between the counties of Clark and Floyd;

No. 158, an act to amend an act to incorporate the Columbus and Driftwood bridge company, approved Feb. 8, 1839;

No. 169, an act legalizing the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes;

In which the concurrence of the Senate is respectfully requested.

Bill, No. 145, of the above message, was read the first time; and,

On motion of Mr. Thompson,

The rule was suspended, the bill read the second time, and

Referred to a select committee of Messrs. Thompson, McCord and Angle.

Bill, No. 147, of the message, was read the first time, and,

On motion of Mr. Thompson,

The rule was suspended, and said bill read the second time, and

Referred to the same select committee to which bill, No. 145, was referred.

Bill, No. 149, of the message, was read the first time, and,

On motion of Mr. Thompson,

The rule was suspended, and the bill read the second time, and

On motion of Mr. Armstrong,

Referred to the committee on finance.

Bill, No. 150, of the message, was read the first time, and

On motion of Mr. Wright,

The rule was suspended, and the bill read the second time;

Mr. Wright moved to amend, by adding the word "white" after the word "Indian."

Mr. Thompson moved to amend the amendment offered by Mr. Wright, by adding "and all others within the State of Indiana."

On motion of Mr. Stevenson,

The bill and proposed amendments were referred to the committee on the judiciary.

Bill, No. 152 and No. 153, of the message, were each read the first time; and passed to a second reading on to-morrow.

Bill, No. 154, of the message,

Was read the first time, and

On motion of Mr. Thompson,

The rule was suspended, and said bill read the second time, and referred to the judiciary committee.

Bill, No. 156, of the message, was read the first time, and

On motion of Mr. Roberts,

The rule was suspended, and said bill read the second time, and

Referred to a select committee of Messrs. Roberts, Thompson and Chamberlain.

Bill, No. 157, of the message, was read the first time, and

On motion of Mr. Collins,

The rule was suspended, and the bill read the second time, and

Referred to a select committee of Messrs. Collins, Armstrong and Eggleston.

Bill, No. 158, of the message, was read the first time, and passed to a second reading to-morrow.

Bill, No. 169, of the message, was read the first time, and

On motion of Mr. Thompson,

The rule was suspended, and said bill read the second time, and

Referred to a select committee of Messrs. Thompson, McCord and Angle.

Mr. Watts presented a remonstrance from sundry citizens of Dearborn county, against the passage of a law authorizing the appointment of a Collector in said county;

Which was read, and referred to the committee on corporations.

Mr. Test presented a petition from the Society of Friends, praying the enactment of a law allowing to persons of color the right of trial by jury, when apprehended within the jurisdiction of the State of Indiana as fugitives from labor;

Which, on motion of Mr. Test,

Was referred to a select committee of Messrs. Test, Parker and Elliott.

Mr. Chamberlain presented a remonstrance from sundry citizens of the counties of Noble and Lagrange, against the passage of an act uniting said counties into one;

Which was, on motion of Mr. Chamberlain,

Referred to the same select committee to which a similar remonstrance was referred.

Mr. Wright, from the committee on the judiciary, made the following report:

Mr. PRESIDENT :

The standing committee upon the judiciary, to whom was referred the following resolution—

Resolved, That the committee on the judiciary be instructed, to inquire into the propriety of so amending the school law, as that in suits brought against officers for the recovery of funds, no technicalities for errors in matter of form, nor any amendment to the declaration or other pleadings, shall entitle the defendant to a continuance of the cause: and, also, so as to dispense with any formal declaration other than a statement of the amount due or claimed from said officer,

Have had the same under consideration, and as officers of schools and school funds are not by our laws liable for costs in cases instituted in behalf of said schools or funds, and an act having passed this body, providing for the amending of causes of actions, they would report that legislation upon this subject is inexpedient, and would ask to be discharged from the further consideration of said resolution.

The report was concurred in by the Senate.

Mr. Collins, from the committee on the judiciary, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred engrossed bill of the House of Representatives, No. 106, entitled "an act to authorize probate judges to issue writs of *habeas corpus* and proceed to trial thereon," have, according to order, had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in and said bill ordered to a third reading on to-morrow.

Mr. Angle, from the committee on the judiciary, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the petition of Enoch Rue and Ann Rue praying to be divorced, have had that subject under their consideration and have directed me to report that it is incompatible and inexpedient to legislate on that subject, and ask to be discharged from the further consideration of said petition.

The report was concurred in and the committee discharged.

Mr. Thompson, from the judiciary committee, made the following report:

Mr. President—

The judiciary committee to which was referred a bill of the Senate No. 17, entitled a bill to amend the act entitled an act to prohibit the amalgamation of the whites and blacks have, after due consideration, instructed me to report and recommend its indefinite postponement, inasmuch as the Senate have definitely acted upon a similar bill which had been previously reported from the House of Representatives.

The report was concurred in.

Mr. Angle, from the judiciary committee, made the following report:

Mr. President—

The judiciary committee to whom was referred a bill of the House of Representatives, No. 110, entitled "a bill to amend an act organizing the Supreme Court and defining its powers and duties," approved February 17th, 1838, have had that subject under their consideration and have directed me to report the same back to the Senate without amendment, and recommend its indefinite postponement.

The report was concurred in and said bill indefinitely postponed.

Mr. Thompson, from the committee on the judiciary, made the following report:

Mr. President:

The judiciary committee to which was referred a bill of the Senate, No. 58, entitled a bill to authorize John Brown to invest certain money in Bank stock for the use of heirs, have, after examining the provisions of the bill, instructed me to report that the several statutes of Indiana regulating the duties, powers, &c. of probate courts, executors, administrators, guardians, &c., have, in the opinion of the committee, granted ample power to said courts, if they deem it expedient, to authorize guardians or direct them to make particular investments of their ward's funds. And your committee are further of opinion, if the probate courts are not invested with such chancery jurisdiction, it would still be inexpedient to legislate upon the subject, therefore recommend its indefinite postponement.

The report was not concurred in, and the question being on ordering said bill to be engrossed,

On motion of Mr. Clark, it was laid on the table.

Mr. Thompson, from the committee on the judiciary, made the following report:

Mr. President—

The judiciary committee, to whom was referred a resolution of

the Senate instructing an inquiry into the expediency of so amending the law relative to county commissioners as to require them to give bond for the faithful discharge of their duty, have, after mature consideration, instructed me to report that it is inexpedient to legislate upon the subject, and ask to be discharged from its further consideration.

The report was concurred in and the committee discharged.

Mr. Eggleston, from the committee on federal relations, made the following report:

Mr. President—

The committee on federal relations, to which was referred the joint resolution relative to a sub-treasury, have agreed to one amendment thereto, which is to insert after the word "exertions," the words "and votes;" with which amendment they recommend its passage.

Mr. Lowe moved to indefinitely postpone said joint resolution.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Herriott, Kinzer, Lowe, Nickel, Roberts and Tannehill—14.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Collins, Cravens, Clark, Eggleston, Ewing, Elliott, Everts, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Test, Thompson, Watts, Williams and Wright—29.

So said motion did not prevail.

Mr. Harris moved to recommit the joint resolution to a select committee, with instructions to strike out the whole from the resolving clause, and to substitute the following in lieu thereof.

Resolved, That at the present period of our deplorable state embarrassments, occasioned by the fatal legislative action of our General Assembly at the session of 1835 and 6, we feel imperiously called upon to confine our attention exclusively to our home affairs, and to direct our entire energies to rescue the state, if possible, from the ruin that is now impending over her.

Resolved, That by sending two Senators and seven Representatives to Congress, we have contributed as much to the wisdom of the national Legislature as we can now conveniently spare.

Resolved, That we are willing to leave the subjects of a national bank, independent treasury, protective tariff, and the public lands to the wisdom of Congress, believing that our Senators and Representatives in the National Legislature are capable of legislating on those

important questions to the satisfaction of the people of the whole Union, without being enlightened by the expression of opinions which, it is well known, a large majority of this General Assembly entertain.

Mr. Bell called for a division of the question, and

The question being on recommitting, it was decided in the negative.

The question was then put on the passage of the joint resolution.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Clark, Collins, Cravens, Eggleson, Elliott, Everts, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Test, Thompson, Watts, Williams, and Wright—29.

Those who voted in the negative were,

Messrs. Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts, and Tannehill—13.

So said joint resolution passed.

The report of the select committee on modification to which bill No. 62, "suspending the further prosecution of the public works," had been referred, and reported back with an amendment, came up in order.

Mr. Bell withdrew his motion to amend the amendment, which was pending at the last adjournment.

The question then recurring on the amendment to the amendment proposed by Mr. Test,

A division of the question was called for by Mr. Watts.

The question was on recommitting,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Elliott, Everts, Foster, Herriott, Hoover, Mount, Nave, Parker, Stafford, Tannehill, Test, and Williams—17.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleson, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Moffatt, Morgan, Nickel, Riley, Roberts, Stevenson, Thompson, Watts, and Wright—27.

So said bill was not recommitting.

The question then recurring on Mr. Collins' motion to amend the amendment, the first part of the proposed amendment relating to the term of years after which the State might take the works into their own hands, was withdrawn, and the last clause concurred in by the Senate.

Mr. Parker moved to concur in the report of the committee by

striking out the amendment, and inserting in lieu thereof the following substitute.

Sec. . That the several public works, the construction of which was contemplated by the act of 1836, shall be classified in three classes, as follows, to wit:

The White-water canal to the National Road, the Madison and Indianapolis Rail Road, the New Albany and Vincennes Turnpike Road, (except the metaling west of Paoli and the bridges over the two White rivers,) the grading and bridging of the line of turnpike road running from Greencastle through Crawfordsville to Lafayette, and the finishing of the turnpike road from Jeffersonville to Salem, shall constitute the first class.

The Cross-cut canal from Terre-Haute to intersect the Central canal, the Northern canal from Fort Wayne to Michigan City, the Northern Division of the Central canal, and the improvement of the navigation of the Wabash river below Vincennes, shall constitute the second class. The Southern Division of the Central canal, the completion of the New Albany and Vincennes turnpike road, the completion of the Indianapolis and Lafayette turnpike road, the completion of the New Albany and Crawfordsville turnpike road, and the connection between the White-water and Central canal shall constitute the third class.

Sec. . The works as indicated in the first class, shall be completed before those in the second class are recommenced; the works in the second class shall be completed before those in the third class are recommenced; the works in the second class shall be taken up and prosecuted so soon as those in the first class are completed; and the works in the third class shall be taken up and prosecuted so soon as those in the second class are completed.

Sec. . That for the purpose of progressing with the public works the suspended debt of the State in the East and the securities thereof, shall be converted into cash or available assets so soon as practicable, and that for the largest amount that can be realized—unless the probability is strong that the interest of the State will be decidedly promoted by the conversion aforesaid being delayed; and hereafter it shall not be lawful to sell any bonds of the State for the purpose aforesaid, drawing interest at a rate exceeding six per centum per annum, and all such sales shall be for cash and at par, unless a premium can be had: *Provided however,* That it shall be lawful to pay contractors for any work that may be done under existing contracts with bonds as aforesaid, which when so paid shall be taken at their face for cash.

Sec. . That so soon as any company of individuals may give security to the State, which shall be satisfactory to the Board of Internal Improvements, that they will give, for the water-power which will be created upon the completion of the Cross-cut canal, a sum sufficient to pay the interest annually on the sum requisite to complete said canal, then operations shall be re-commenced on said canal, and the same shall in common with the works in the first class, be prosecuted to completion, without unnecessary delay.

Mr. Eggleston moved that said amendment of Mr. Parker be laid upon the table.

And the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Blair, Carr, Chamberlain, Cravens, Clark, Dobson, Eggleston, Hargrove, Harris, Kinzer, Lowe, McCord, Moffatt, Morgan, Nickel, Roberts, Stevenson, Thompson, Watts, and Wright—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Carnan, Collins, Elliott, Everts, Foster, Hackett, Herriott, Hoover, Mount, Nave, Parker, Riley, Stafford, Tannehill, Test, and Williams—21.

So said motion prevailed.

Mr. Nave moved to lay the bill and amendment on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Beard of M., Bell, Chamberlain, Foster, Herriott, Hoover, Nave, Roberts, and Tannehill—11.

Those who voted in the negative were,

Messrs. Aker, Armstrong, Baird of St. J., Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nickel, Parker, Riley, Stafford, Stevenson, Test, Thompson, Watts, Williams, and Wright—33.

So said motion did not prevail.

Mr. Stevenson moved to reconsider the vote taken on laying Mr. Parker's amendment on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Carnan, Collins, Elliott, Everts, Foster, Hackett, Herriott, Hoover, Mount, Nave, Parker, Riley, Stafford, Stevenson, Tannehill, Test, and Williams—22.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Blair, Carr, Chamberlain, Clark, Cravens, Dobson, Eggleston, Hargrove, Harris, Kinzer, Lowe, McCord, Stafford, Morgan, Nickel, Roberts, Thompson, Watts, and Wright—22.

The President voted in the negative.

So said motion did not prevail.

Mr. Test moved to amend said bill by striking all out from the en-

acting clause and insert the following, it being a copy of the bill reported by the committee on modification:

Sec. 1. That the public works enumerated in the act entitled "an act to provide for a general system of internal improvement," approved January 27th, 1836, be and the same are hereby divided into three classes, to be denominated the first, second, and third classes. That is to say: The White-water canal, on the surveyed route thereof from Lawrenceburgh to the National Road, shall constitute the first class. The Madison and Indianapolis Rail Road from Madison to Indianapolis, on the surveyed route thereof, shall constitute the second class. The other works named in the above recited act shall constitute the third class.

Sec. 2. No moneys of the State shall be appropriated or expended on any work named in this act as the second and third classes, until the work named as the first class, shall have been fully completed through the entire route named in this act. Nor shall any moneys of the State be appropriated or expended on any work named in the third class, until the works named in the first and second classes shall have been fully completed. And in the application of the funds of the State to any of the said works, it shall be the duty of the State officers having the superintendence and charge of the same, to see that operations be so conducted as to make as much of the work immediately available for the purposes of commerce and travel, as is practicable with the funds at their disposal: *Provided*, That nothing in this section shall be so construed as to prevent the application of the appropriation heretofore made on the Madison and Indianapolis rail road.

Sec. 3. Of the moneys now appropriated by law to the construction of the works named in the third class of this act, a sufficiency to complete the works named in the first and second classes of this act is hereby diverted from the purposes to which the same were appropriated in the act entitled "an act to provide for a general system of internal improvements," approved, January 27th, 1836, and is hereby appropriated to the completion of the works named in the first and second classes of this act; and so much of said act as provides for the application of any part of the unexpended appropriations to the works named in the third class of this act is hereby repealed: *Provided*, That nothing in this section contained shall be so construed as to prevent the expenditure of any unexpended appropriation heretofore made for the purpose of removing obstructions in the Rapids of the Wabash river.

Sec. 4. The Fund Commissioners are hereby authorized and required to make sale of such of the State securities, taken to secure the payment of the proceeds of the sale of State bonds, as can be sold without loss to the State, taking into consideration the probable future value of said securities. And in all cases where they shall deem it doubtful whether any of said securities may hereafter be sold for more than can now be obtained for them, they are hereby required to make immediate sale of such securities for the best price which can be realized for them. The proceeds of said sale to be applied, first to such payments of the interest on the public debt as have to be made

during the year 1841, and the residue thereof to be deposited in the State Treasury, to be applied as is directed in this act.

Sec. 5. No moneys of the State (except as is in this act provided) shall be appropriated or expended on any of the public works of the State.

Sec. 6. On pledge or sale of the State Bonds, or other securities hereafter made, in pursuance of law, the Fund Commissioners shall direct the purchaser thereof to make deposit of the amount for which such bonds or other securities may have been sold or pledged, in some specie paying bank, in one of the cities of the United States, to the credit of the Treasurer of the State of Indiana, who is hereby authorized and required to check for the same, to meet the appropriations thereof made by law.

Sec. 7. No sale, transfer, or pledge of any of the State bonds shall be deemed valid or effectual for any purpose, unless the consideration therefor be paid in the manner prescribed in this act.

Sec. 8. There shall be one Engineer of the State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, during the present session of the General Assembly of the State of Indiana, and annually thereafter. Said Engineer shall take an oath faithfully to discharge the duties and trusts committed to him by law, and shall make and file his bond to the State of Indiana, in the penal sum of two hundred thousand dollars with security, to be approved of by the Governor, and conditioned for the faithful discharge of the duties and trusts committed to him by law, which bond shall be filed in the office of the Secretary of State, and be recorded in a book kept for that purpose. And in case of vacancy by death, resignation, or removal of the Chief Engineer of the State, during the recess of the Legislature, the Governor is hereby authorized and required to fill such vacancy by appointment; the officer thus appointed being required to give bond and take an oath of office, according to the provisions of this act.

Sec. 9. The Governor is hereby authorized and required to order a suit to be commenced on said bond whenever he shall be satisfied that said Engineer has been guilty of any violation or neglect of his official duties, whereby the interests of the State may have suffered. And one or more suits or recoveries thereon shall not render said bond void.

Sec. 10. Said Engineer shall discharge all the duties now required of the Chief Engineer and of the Board of Internal Improvements consistent with the provisions of this act, and shall receive an annual salary of one thousand five hundred dollars, to be paid out of the Treasury; and said Board of Internal Improvements is hereby abolished.

Sec. 11. Said Engineer shall be authorized to employ, from time to time, as necessity may require, one assistant on the most reasonable terms practicable, whose compensation shall not exceed the sum of one thousand dollars per annum, to be paid out of the State Treasury.

Sec. 12. The said Engineer shall take charge and superintendence

of all the unfinished portions of the works of the State, and report to the Legislature from time to time their condition, and suggest such measures as he shall deem advisable to prevent losses to the State from their dilapidation. He is hereby authorized to transfer the unfinished portions of those works named in the third class of this act, to such companies as may hereafter be incorporated for their completion, reserving to the State the finished portions of said works.

Sec. 13. All suits for damages done to landed proprietors by the prosecution of either of the works named in the first and second classes of this act, shall be suspended until the completion of the work: *Provided*, That when any injury may have been sustained by any landed proprietor by the prosecution of either of those works, and operations on the same shall have been suspended for two years thereafter, suits for damages may be prosecuted under existing laws.

Sec. 14. The manner in which the State bonds shall be sold to meet any of the purposes of this act, shall be in accordance with so much of the provisions of the 8th section of the act entitled "an act to provide for a general system of Internal Improvement," approved January 27th, 1836, as is consistent with the provisions of this act: *Provided*, That nothing herein contained shall be so construed as to allow of a sale of State bonds at a higher rate of interest than five per centum per annum, or on any other terms than for cash and at par.

The question being on striking out the amendment of the committee,

Mr. Moffatt moved to amend the amendment of the committee, by adding the following proviso to the 3d section:

Provided, however, That if any company of citizens residing upon or feeling themselves interested in the completion of any of the public works, or parts of works, in this State, shall execute to the State a good and sufficient guarantee, to be approved by the Treasurer and Auditor of State, that the tolls, water power, or receipts of any kind arising from said public work, shall be sufficient to pay the interest upon the Bonds necessary for its completion, it shall be the duty of the Fund Commissioners to issue State Bonds, bearing an interest of five per cent. per annum, to the estimated amount of work unfinished on said line; which shall be handed over to the Board of Internal Improvements, and by them to be paid over to such company upon the estimates of the proper Engineer; which estimates shall be made every two months during the progress of such work, and such State Bonds shall be taken at par as cash.

And before any decision was had thereon,

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The subject pending at the last adjournment was again resumed.

On motion of Mr. Cravens,

The bill and amendment under consideration, were laid upon the table.

Mr. Cravens, leave being granted, introduced Bill, No. 76, to authorize the associate Judges in the county of Ripley, to hold a Probate Court,

Which was read the first time, and,

On motion of Mr. Cravens,

The rule was suspended, and the bill read a second and third time, and passed; and

On motion of Mr. Cravens,

Bill, No. 62, was taken from the table.

On motion of Mr. Parker,

The bill and amendment under consideration, were again laid on the table.

Mr. Parker made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Philomath, in Union county, praying for the creation of a school district, have had the same under consideration, and have directed me to report the following bill, in accordance with the prayer of the petitioners:

Bill, No. 77, for the creation of a school district therein named, accompanying the above report,

Was read twice, and referred to a select committee, composed of Messrs. Test, Parker and Elliott.

Mr. Elliott, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate, entitled

No. 34, a bill to amend an act entitled, an act regulating the jurisdiction and duties of Justices of the Peace, approved February 17, 1838, have had the same under consideration, and have instructed me to report it back to the Senate with one amendment, by striking it out from the enacting clause, and inserting a substitute herewith reported, and to recommend its passage as amended.

The report was concurred in and said bill passed.

On motion of Mr. Clark,

Bill, No. 62, was again taken up;

The question being on the amendment proposed by Mr. Moffatt, to the amendment of the committee,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Dobson, Elliott, Foster, Hoover, Moffatt, Mount, Riley, Stevenson and Williams—9.

Those who voted in the negative were,

Messrs. Aker, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Herriott, Kinzer, Lowe, McCord, Morgan, Nave, Nickel, Parker, Roberts, Stafford, Tannehill, Test, Thompson and Watts—34.

So said amendment was not adopted.

Mr. Blair moved to amend the amendment, as follows:

That the provisions of this act shall not extend to the Wabash and Erie canal, between the mouth of Tippecanoe river and Terre Haute, provided Congress shall confirm the title to the lands claimed by the State of Indiana for the continuation of said canal. *Provided further*, That nothing in this act contained, shall be so construed as to prevent the expenditure of any unexpended appropriation heretofore made for the purpose of removing obstructions in the rapids of the Wabash river, according to the true intent and meaning of the act of 1836, and of the additional appropriation for said river.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of M., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Foster, Hackett, Hargrove, Harris, Herriott, Hoover, Lowe, McCord, Moffatt, Riley, Stevenson, Tannehill, Test, Thompson, Watts and Williams—30.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Bell, Elliott, Kinzer, Morgan, Mount, Nave, Nickel, Parker and Stafford—12.

So said amendment was adopted.

Mr. Elliott moved further to amend the amendment, by adding to the section as follows:

And provided further, That nothing herein contained shall prevent the Board of Internal Improvement from putting under contract, or completing the White Water canal to the National Road, so soon as means for that purpose can be procured from bonds already sold, or hereafter to be sold for cash at par, at a rate of interest not exceeding 6 per cent., or by transferring such bonds to contractors.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Bell, Cravens, Elliott, Herriott, Lowe, Morgan, Mount, Nave, Parker, Tannehill, Test and Williams—14.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of Mont., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, McCord, Moffatt, Nickel, Riley, Stafford, Stevenson, Thompson and Watts—29.

So said amendment was not adopted.

Mr. Chamberlain moved the following amendment to the amendment:

Provided, That nothing in this bill shall be so construed as to prevent the simultaneous progress and completion of the Madison and Indianapolis Rail Road, Northern Division of Central Canal, and Erie and Michigan Canal out of the first means the State can procure for the progress of any of the works of internal improvement.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Bell, Chamberlain, Elliott, Everts, Ewing, Foster, Herriott, Hoover, Nave, and Tannehill—14.

Those who voted in the negative were,

Messrs. Armstrong, Beard of Montgomery, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Test, Thompson, Watts, and Williams—30.

So said motion did not prevail.

Mr. Dobson moved to amend the amendment as follows:

Provided, That the State Board are hereby directed to progress with the Cross-Cut Canal and the southern end of the Central Canal to its junction with the Cross-Cut Canal, so as to have both completed by the time that the Wabash and Erie Canal is completed to Terre Haute.

Which was not adopted.

The question recurring on the motion of Mr. Test, to strike out from the enacting clause, and inserting the bill reported by the committee on modification.

A division of the question being called for,

The question was on striking out,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Bell, Cravens, Elliott, Foster, Hanna, Herriott, Hoover, Morgan, Mount, Nave, Parker, Stafford, Tannehill, Test and Williams—18.

Those voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of Montgomery, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Moffatt, Nickel, Riley, Roberts, Stevenson, Thompson, Watts, and Wright—28.

So the motion to strike out did not prevail.

Mr. Nave moved to take from the table the amendment proposed by Mr. Parker:

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Montgomery, Bell, Carnan, Elliott, Everts, Foster, Hackett, Hanna, Herriott, Hoover, Moffatt, Mount, Nave, Parker, Riley, Stevenson, Tannehill, Test, and Williams—22.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Blair, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Nickel, Roberts, Thompson, Watts, Wright and Mr. President—23.

So said motion did not prevail.

Mr. Parker moved to amend the amendment of the committee, by striking out the two first sections and inserting the following in lieu thereof.

Sec. — That the several public works, the construction of which was contemplated by the act of 1836, shall be classified in three classes, as follows, to-wit:

The White Water Canal to the National road, the Madison and Indianapolis Rail Road, the New-Albany and Vincennes Turnpike Road, (except the metaling west of Poli, and the Bridges over the two White Rivers,) the grading and bridging of the line of turnpike road running from Greencastle through Crawfordsville to Lafayette, and the finishing of the Turnpike road from Jeffersonville to Salem shall constitute the first class.

Sec.—The Cross-Cut Canal from Terre Haute to intersect the Central Canal, the southern division of the Central Canal, the northern division of the Central Canal, and the improvement of the navigation of the Wabash River below Vincennes shall constitute the second class.

Sec.—The Fort Wayne and Michigan City Canal, the completion of the N. Albany and Vincennes Turnpike Road, the completion of the Indianapolis and Lafayette Turnpike Road and the connexion between the White Water and Central Canal, shall constitute the third class.

Sec. — The works as indicated in the first class shall be completed before those in the second class are re-commenced; the works in the second class shall be completed before those in the third class are re-commenced; the works in the second class shall be taken up and prosecuted so soon as those in the first class are completed; and the works in the third class shall be taken up and prosecuted so soon as those in the second class are completed.

Sec. — That for the purpose of progressing with the public works, the suspended debt of the State in the east and the securities thereof shall be converted into cash or available assets so soon as practicable, and for the largest amount that can be realized—unless the probability is strong that the interest of the State will be decidedly promoted by the conversion aforesaid being delayed; and hereafter it shall not be lawful to sell any bonds of the State for the purpose aforesaid, drawing interest at a rate exceeding six per centum per annum, and all such sales shall be for cash and at par, unless a premium can be had. Provided, however, That it shall be lawful to pay contractors for any work that may be done under existing contracts with bonds as aforesaid, which when so paid shall be taken at their face for cash.

Sec. — That so soon as any company of individuals may give security to the State which shall be satisfactory to the Board of Internal Improvements, that they will give for the water power which will be erected upon the completion of the Cross-cut Canal, a sum sufficient to pay the interest, annually on the sum requisite to complete said canal, their operations shall be re-commenced on said Canal, and the same shall, in common with the works in the first class, be prosecuted to completion without unnecessary delay.

A division being called for,

The question was on striking out,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Montgomery, Carnan, Dobson, Elliott, Hanna, Herriott, Hoover, Moffatt, Mount, Nave, Parker, Riley, Stafford, Stevenson, Tannehill, Test, and Williams—20.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Carr, Chamberlain, Clark, Collins, Cravens, Eggleston, Everts, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Nickel, Roberts, Thompson, Watts and Wright—26.

The motion to strike out did not prevail.

Mr. Nave moved to amend the amendment as follows:

Sec. 1. That the public works enumerated in an act entitled "an act to provide for a general system of internal improvements," approved January 27, 1836, be, and the same are hereby divided into two classes, to be denominated the first and second classes, that is to say, the Madison and Indianapolis Rail Road and the White Water canal on the surveyed routes thereof, from Madison to Indianapolis and from Lawrenceburgh to the Cumberland road, shall constitute the first class, and the other works named in the above recited act shall constitute the second class.

Sec. 2. No moneys of the State shall be appropriated or expended on any work named in this act as the second class, until the work named in the first class, have been fully completed through the entire routes named in this act. Nor shall any moneys of the State be appropriated or expended on any work named in the second class, until the works named in the first class shall have been fully completed. And in the application of the funds of the State to any of the said works, it shall be the duty of the State officers having the superintendence and charge of the same, to see that operations be so conducted as to make as much of the work immediately available for the purposes of commerce and travel, as is practicable with the funds at their disposal.

Sec. 3. Of the moneys now appropriated by law to the construction of the works named in the second class of this act, a sufficiency to complete the works named in the first class of this act is hereby diverted from the purposes to which the same were appropriated in the act entitled "an act to provide for a general system of internal improvements," approved, January 27th, 1836, and is hereby appropriated to the completion of the works named in the first class of this act; and so much of said act as provides for the application of any part of the unexpended appropriations to the works named in the second class of this act is hereby repealed: *Provided*, That nothing in this section contained shall be so construed as to prevent the expenditure of any unexpended appropriation heretoford made for the purpose of removing obstructions in the Rapids of the Wabash River.

Sec. 4. The Fund Commissioners are hereby authorized and required to make sale of such of the State securities, taken to secure the payment of the proceeds of the sale of State bonds, as can be sold without loss to the State, taking into consideration the probable future value of said securities. And in all cases where they shall deem it doubtful whether any of said securities may hereafter be sold for more than can now be obtained for them, they are hereby required to make immediate sale of such securities for the best price which can be realized for them. The proceeds of said sale to be applied, first to such payments of the interest on the public debt as have to be made during the year 1841, and the residue thereof to be deposited in the State Treasury, to be applied as is directed in this act.

Sec. 5. No moneys of the State (except as is in this act provided)

shall be appropriated or expended on any of the public works of the State.

Sec. 6. On pledge or sale of the State bonds, or other securities hereafter made, in pursuance of law, the fund commissioners shall direct the purchaser thereof to make deposit of the amount for which such bonds or other securities may have been sold or pledged, in some specie-paying bank, in one of the cities of the United States, to the credit of the Treasurer of the State of Indiana, who is hereby authorized and required to check for the same, to meet the appropriations thereof made by law.

Sec. 7. No sale, transfer, or pledge of any of the State bonds shall be deemed valid or effectual for any purpose, unless the consideration therefor be paid in the manner prescribed by this act.

Sec. 8. There shall be one Engineer of the State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, during the present session of the General Assembly of the State of Indiana, and annually thereafter. Said Engineer shall take an oath faithfully to discharge the duties and trusts committed to him by law, and shall make and file his bond to the State of Indiana, in the penal sum of two hundred thousand dollars, with security, to be approved of by the Governor, and conditioned for the faithful discharge of the duties and trusts committed to him by law, which bond shall be filed in the office of the Secretary of State, and be recorded in a book kept for that purpose. And in case of vacancy by death, resignation, or removal of the Chief Engineer of the State, during the recess of the Legislature, the Governor is hereby authorized and required to fill such vacancy by appointment; the officer thus appointed being required to give bond and take an oath of office, according to the provisions of this act.

Sec. 9. The Governor is hereby authorized and required to order a suit to be commenced on said bond whenever he shall be satisfied that said Engineer has been guilty of any violation or neglect of his official duties, whereby the interests of the State may have suffered, and one or more suits or recoveries thereon shall not render said bond void.

Sec. 10. Said Engineer shall discharge all the duties now required of the Chief Engineer and of the Board of Internal Improvements, consistent with the provisions of this act, and shall receive an annual salary of one thousand five hundred dollars to be paid out of the Treasury; and said Board of Internal Improvements is hereby abolished.

Sec. 11. Said Engineer shall be authorized to employ, from time to time as necessity may require, one assistant on the most reasonable terms practicable, whose compensation shall not exceed the sum of one thousand dollars per annum, to be paid out of the State Treasury.

Sec. 12. The said Engineer shall take charge and superintendence of all the unfinished portions of the works of the State, and report to the Legislature from time to time their condition, and suggest such measures as he shall deem advisable to prevent losses to the State from their dilapidation. He is hereby authorized to transfer the unfinished portions of those works named in the second class of this act,

to such companies as may hereafter be incorporated for their completion, reserving to the State the finished portions of said works.

Sec. 13. All suits for damages done to landed proprietors by the prosecution of either of the works named in the first class of this act, shall be suspended until the completion of the work: *Provided*, That when any injury may have been sustained by any landed proprietor by the prosecution of either of those works, and operations on the same shall have been suspended for two years thereafter, suits for damages may be prosecuted under existing laws.

Sec. 14. The manner in which the State bonds shall be sold to meet any of the purposes of this act shall be in accordance with so much of the provisions of the 8th section of the act entitled "an act to provide for a general system of Internal Improvement," approved, January 27th, 1836, as is consistent with the provisions of this act: *Provided*, That nothing herein contained shall be so construed as to allow any sale of State bonds at a higher rate of interest than six per centum per annum, or to prevent the delivery of such bonds to contractors at their face, as cash, to pay them in whole or part for any work that may be done under existing contracts.

Sec. 15. This act to take effect and be in force from and after its passage.

Mr. Baird of St. Joseph moved to lay the amendment offered by Mr. Nave, on the table.

Mr. Elliott moved to amend the motion so as to include the bill and all its amendments.

The question being on amending the motion of Mr. Baird,
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Beard of M., Bell, Chamberlain, Elliott, Herriott, Moffatt, Mount, Nave, Parker, Stafford, Test, and Williams—14.

Those who voted in the negative were,

Messrs. Aker, Armstrong, Baird of St. J., Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Morgan, Nickel, Riley, Roberts, Stevenson, Tannehill, Thompson, Watts, and Wright—32.

So said motion was not so amended.

The question was then put on the motion of Mr. Baird,
And decided in the affirmative.

Mr. Stevenson moved to amend the amendment by striking out the word "five" and inserting the word "six," in the second section;

Which motion prevailed,

Mr. Elliott moved to strike out the two first sections in the amendment of the committee.

Mr. Chamberlain moved to recommit the bill to the committee on canals and internal improvements, with all the amendments and propositions to amend.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Chamberlain, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Moffatt, Nave, Parker, Stafford, Tannehill, Test, and Williams—20.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Mount, Nickel, Riley, Roberts, Stevenson, Thompson, Watts, and Wright—26.

So said motion did not prevail.

The question recurring on Mr. Elliott's motion to strike out the two first sections of the amendment.

And the ayes and noes being ordered.

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Elliott, Foster, Hanna, Herriott, Moffatt, Mount, Parker, Stafford, Tannehill, Test, and Williams—16.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Morgan, Nave, Nickel, Riley, Roberts, Stevenson, Thompson, Watts, and Wright—30.

So said motion to strike out did not prevail.

Mr. Collins moved to reconsider the vote taken on the motion of Mr. Stevenson, to strike out the word "five" in the second section and insert "six."

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. J., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Nickel, Morgan, Riley, Roberts, Thompson, Watts, and Wright—27.

Those who voted in the Negative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Elliott, Everts, Foster, Hanna, Herriott, Moffatt, Mount, Nave, Paarker, Staffork, Stevenson, Tannehill, Test, and Williams—20.

So said motion prevailed.

The question then being on the motion of Mr. Stevenson to strike out "five" and insert "six."

Mr. Nave moved to adjourn.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Kinzer, Moffatt, Mount, Nave, Parker, Roberts, Stafford, Tannehill and Williams—20.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Lowe, McCord, Morgan, Nickel, Riley, Stevenson, Test, Thompson, Watts and Wright—26.

So the motion to adjourn did not prevail.

Mr. Elliott moved to lay the bill and amendment on the table;

The ayes and noes being demanded;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Chamberlain, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Moffatt, Mount, Nave, Parker, Stafford, Stevenson, Tannehill, Test and Williams—21.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Lowe, McCord, Morgan, Nickel, Riley, Roberts, Thompson, Watts and Wright—24.

So said motion did not prevail.

Mr. Parker moved that the Senate adjourn.

The ayes and noes were ordered;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Montgomery, Bell, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Kinzer, Moffatt, Mount, Nave, Parker, Roberts, Stafford, Stevenson, Tannehill, Test and Williams—22.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Lowe, McCord, Morgan, Nickel, Riley, Thompson, Watts and Wright—24.

So the Senate refused to adjourn.

The question on the motion of Mr. Stevenson to strike out "five" and insert "six" in the second section;

The ayes and noes being ordered:

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Mont., Bell, Elliott, Foster, Hanna, Herriott, Hoover, Kinzer, Moffatt, Mount, Nave, Parker, Stafford, Stevenson, Tannehill and Williams—19.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Lowe, McCord, Morgan, Nickel, Riley, Roberts, Thompson, Watts and Wright—26.

So said amendment was not adopted.

Mr. Herriott moved to amend the amendment as follows:

Sec. —. That any individual or individuals, company or companies may finish the Madison and Indianapolis Rail-road, and receive therefor state bonds bearing six per cent. interest, on condition that said individuals or companies guarantee that the tolls which may be received on said line in proportion to the length of said rail-road so by them completed shall pay the interest on the amount of said bonds.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Bell, Elliott, Foster, Hanna, Herriott, Hoover, Nave, Nickel, Parker, Stevenson, Stafford, Tannehill and Williams—15.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Beard of M., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Lowe, McCord, Moffatt, Morgan, Mount, Riley, Thompson, Watts and Wright—27.

So said amendment was not adopted.

Mr. Hanna moved to amend the amendment by adding the following proviso:

Provided, That nothing in this act shall be so construed as to prevent the expenditure of the unexpended balance of the four hundred thousand dollars heretofore appropriated on the Madison and Indianapolis Rail-road, for which the state bonds have been sold under the direction of the Board of Internal Improvement;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Elliott, Ewing, Foster, Hanna, Herriott, Hoover, Mount, Nave, Nickel, Parker, Stafford, Tannehill, Test and Williams—21.

Those who voted in the negative were,

Messrs. Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Hackett, Hargrove, Harris, Lowe, McCord, Morgan, Riley, Thompson, Watts, and Wright—21.

The President voted in the affirmative.

So said amendment was adopted.

The question recurring on adopting the amendment of the committee;

The ayes and noes being ordered;

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Beard of M., Berry, Blair, Carnan, Carr, Collins, Cravens, Eggleston, Ewing, Hackett, Hargrove, Harris, Hoover, Lowe, McCord, Morgan, Nickel, Riley, Thompson, Watts and Wright—21.

Those who voted in the negative were,

Messrs. Aker, Baird of St. J., Bell, Chamberlain, Clark, Dobson,

Elliott, Everts, Foster, Hanna, Herriott, Moffatt, Mount, Nave, Parker, Stafford, Tannehill, Test and Williams—20.

So said amendment was concurred in.

Mr. Williams, from the committee on enrolled bills, reports:

MR. PRESIDENT:

The joint committee on enrolled bills report, that they did on this day, present to his Excellency the Governor, for his approval and signature, bills of the House, of the following titles, to-wit:

No. 4, an act to repeal an act regulating the jurisdiction of justices of the peace in Jackson county, approved Jan. 25, 1840;

No. 11, an act to amend an act entitled an act to prohibit the amalgamation of whites and blacks;

No. 51, an act to revive certain acts relative to a stay of execution;

No. 59, an act to incorporate the Madison Law Library Society;

No. 72, an act to authorize the State of Michigan to make certain improvements on the St. Joseph river, and for other purposes;

No. 77, an act to prevent the spreading of the disease commonly called the glanders among horses;

No. 80, an act to incorporate the Connersville Musical Institute;

No. 105, an act to amend an act entitled an act relative to roads in Parke county, approved Feb. 18, 1839;

Also a joint resolution of the House, of the following title, to-wit:

No. 1, a joint resolution on the subject of amending the constitution of the United States.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the Senate, to-wit:

No. 12, an act to repeal certain acts therein named so far as they relate to the county of Carroll;

And have found the same truly enrolled.

On motion, the Senate adjourned.

FRIDAY MORNING, JANUARY 15, 1841.

The Senate assembled.

The President laid before the Senate the following communication from the Governor, with accompanying documents; which were read and referred to the committee on Federal relations:

EXECUTIVE DEPARTMENT, }
January 15, 1841.

HON. SAMUEL HALL,

President of the Senate:

Sir—I have the honor to transmit to you, to be laid before the body over which you preside, certain resolutions of the State of Alabama, transmitted by the executive of that State, responsive to certain resolutions of the Connecticut Legislature, on the subject of a protective tariff.

Yours with great respect,

SAMUEL BIGGER.

EXECUTIVE DEPARTMENT, }
Tuskaloosa, Dec. 29, 1840.

Sir—Herewith I have the honor to inclose you a preamble and resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the General Assembly of the State of Connecticut, in favor of a protective tariff.

With great respect,

I have the honor to be, sir,

Your most obedient servant,

A. P. BAGBY.

To his Excellency the }
Governor of Indiana.

Preamble and resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the State of Connecticut, in favor of the protective policy.

Certain resolutions of the State of Connecticut, have been communicated by the governor of this State to this General Assembly, agreeably to a request contained in said resolutions which express sentiments in favor of what they designate "the protective policy of our Government," and contain a request to the Senators and Representatives in Congress from said State, to resist by all constitutional means, every attempt to destroy or impair said policy, and to use their exertions to procure the passage of such laws as will effectually protect the "labor of this country, from the policy and legislation of foreign governments;" the said resolutions further signify, that it is the wish of our sister State, to obtain from us an expression of our sentiments on the subject to which her said resolutions relate.

It becomes us in courtesy, under such circumstances, to make answers, which we proceed respectfully to do, as follows:

We presume we properly comprehend the State of Connecticut as intending by the words "protective policy of our government," in her aforesaid resolutions, protective tariff, and by the words "labor of this country," the manufacturing labor of this country. So understanding our sister State we cannot forbear expressing our surprise and regret to find, that, she should feel it incumbent on her, to press this fruitful source of discord and distraction upon the attention of Alabama and the south at this time; two years in advance of the expiration of that "compromise" which has for a period allayed the fierce and angry passions to which "the protective policy" had heretofore given rise. But as she has thought proper to call upon us for our sentiments on this subject, we proceed to give them fully embodied in the following resolutions, the principles of which we would kindly but firmly admonish our sister Connecticut that we are determined to maintain at every hazard.

Be it therefore resolved unanimously, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Government of the United States was established in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, and promote the general welfare to and among the several, separate, and sovereign States of this Union, and to secure the blessings of liberty to us and our children as citizens of said States.

Sec 2. *Resolved unanimously,* That said Government never can establish justice, insure domestic tranquility, or promote the general welfare of this widely extended Union, and the diversified interests and pursuits thereof, especially, in view of their peculiar relations aforesaid, by enacting laws to foster, promote, and protect the industry and occupation of one portion of the States, or people, to the disparagement, injury, and expense of another.

Sec. 3. *Resolved unanimously,* That a tariff for the protection of manufactures, always was, and always must remain obnoxious to the objections set forth in the foregoing resolution, and that, consequently, every such measure always has been, and ever will be, in our estimation, unwise, unjust, and unconstitutional.

Resolved unanimously, That in the solemn and deliberate opinion of this General Assembly, a successful attempt to re-establish the "protective policy," while it cannot fail to alienate the feelings of one portion of our happy Union from another, and provoke fierce political animosities between the North and the South, ultimately and irresistibly tends to a dissolution of the Federal Compact between those States. That in view of such consequences, we earnestly and affectionately dissuade our Northern brethren from any such attempt.

Sec. 5. *Resolved unanimously,* That the Governor of this State be requested to forward a copy of the foregoing Preamble and Resolutions to the Governor of the State of Connecticut, and the Governors

of each of the other States, and also copies to each of our Senators and Representatives, the former of whom are instructed and the latter requested to use all honorable and proper means, to sustain the principles therein set forth.

J. L. F. COTTREL, President the Senate.
R. R. BAKER, Speaker House of Reps.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate, that the House has passed an engrossed joint resolution of the Senate, without amendment, as follows:

No. 66, in relation to a National Bank.

Also, an engrossed bill of the Senate, No. 3, to equalize the judicial circuits in the State of Indiana, and for other purposes, with one amendment, in which the concurrence of the Senate is respectfully requested.

The said amendment of the House to bill No. 3, of the Senate, having been read, Mr. Elliott moved that the Senate refuse to concur therein,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird of St. Jos., Beard of Mont., Carnan, Chamberlain, Elliott, Everts, Ewing, Harris, Hoover, Parker, Roberts, Tannehill, and Wright—15.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Bell, Berry, Blair, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Foster, Hackett, Hargrove, Herriott, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Stafford, Stevenson, Test, Thompson, Watts, and Williams—30.

So said motion did not prevail.

The question was then taken on concurring in the amendment, and decided in the affirmative.

Mr. Baird of St. Jos., presented the petition of William C. Graves, and sundry others, citizens of the county of Kosciusko praying an alteration in the mode of choosing county officers; which was read and referred to the committee on finance.

Mr. Harris presented the petition of John Burr, and others, citizens of the town of Delphi, praying the repeal of an act incorporating said town; which was read and referred to a select committee consisting of Messrs. Harris, Hoover, and Elliott.

Mr. Harris also presented the remonstrance of Newton H. Gist, and others, citizens of Delphi, against the object of the aforesaid petition; which was read and referred to the same select committee.

Mr. Tannehill presented the petition of Charles Martens and Christiana Martens his wife, praying to be divorced from the banns of matrimony; which was read and referred to a select committee of Messrs. Tannehill, Baird of St. Jos., and Berry.

Mr. Harris presented the petition of Jacob Kingery, and sundry others, citizens of the county of Carroll, praying the location of a Branch of the State Bank of Indiana, at Delphi; which was read and referred the committee on the State Bank.

Mr. Test presented the remonstrance of Abraham Dice and others, against the formation of a new school district in Union county; which was read and referred to the same select committee to which a bill on the same subject was previously referred.

Mr. Thompson, from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which a resolution of the Senate was referred instructing an inquiry into the policy of amending the law relative to steam-boats taking wood, &c, without paying therefor, &c., having, after examining the subject, instructed me to report the following bill, entitled a bill, No. 78, to amend the act authorizing the seizure of boats and other vessels for debt, approved February 17, 1838; which was read a first time, and passed to a second reading to-morrow.

Mr. Aker, from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate instructing them to inquire whether it is lawful for school commissioners to charge twenty-five per cent. interest on loans obtained previous to the passage of an act amendatory to an act incorporating congressional townships and providing for common schools therein, approved February 17, 1840, have had the same under consideration and have instructed me to report the following bill and recommend its passage.

A bill No. 79, to authorize school commissioners to refund money in certain cases therein named,

Which was read a first time, and passed to a second reading to-morrow.

Mr. Ewing, from the committee on finance, made a report:

Mr. PRESIDENT—

The committee upon finance to whom was referred a resolution of the Senate in relation to collecting \$200,000 of the Sinking Fund, have had that subject under consideration and have instructed me to report that this matter was considered in their report upon a bill of the Senate, providing for the payment of the debt due the State Bank of Indiana for moneys paid for the state, and in the substitute for said bill reported by the committee all of said Sinking Fund is proposed to be vested in stock in said Bank, and the committee ask to be discharged from the further consideration of said subject.

The committee was accordingly discharged.

Mr. Cravens, from the committee on corporations, made a report:

Mr. PRESIDENT:

The standing committee on corporations to which was referred a bill of the House of Representatives, No. 69, entitled a bill to incorporate the Laughery Bridge Company, have had the same under consideration and have made an amendment, viz: Strike out all after the enacting clause and insert the bill herewith reported:

A bill to authorize the building of a bridge across Laughery creek in Ripley county.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That George W. Lane, his agent, heirs or assigns, be and they are hereby authorized to erect and build, at his or their own expense, a toll bridge across Laughery creek in Ripley county at or near where the state road leading from Lawrenceburgh to Indianapolis crosses said creek.

SEC. 2. Said bridge shall be at least twenty feet wide with good and sufficient hand railing on on each side, and in all other respects strong and convenient for the safe passage of all travellers and other persons, cattle of every kind and carriages of every description.

SEC. 3. Whenever the said bridge shall be completed, the said Lane, his agent or assigns may erect a gate at either end of said bridge and demand and receive a toll, not exceeding the following rates to-wit: for every four wheeled pleasure carriage drawn by two horses, nineteen cents; if drawn by four horses, twenty-five cents; every two wheeled pleasure carriage, ten cents; every wagon or car drawn by two horses or oxen, twelve and a half cents; if drawn by four horses or oxen, twenty-five cents; each sled or sleigh drawn by two horses or oxen, nine cents; every one horse cart, wagon, sleigh or cutter, eight cents; every man and horse, six cents; every foot passenger, three cents; every horse, jack, mule or head of neat cattle

two cents; every sheep or hog, one cent; but all persons going to and returning from places of religious worship, going to and returning from funerals, going to and returning from annual elections, going to and returning from training, when doing duty in militia, shall be exempt from paying toll.

SEC. 4. If any person shall forcibly, fraudulently or otherwise pass the toll gate on said bridge without having paid legal toll, he, she or they shall forfeit and pay to the said Lane, his agent or assigns four times the amount of the legal toll, to be recovered by an action of debt before any justice of the peace in said county.

SEC. 5. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, the owner shall for every such offence forfeit the sum of five dollars, to be recovered before any justice of the peace, to the use of the person so unreasonably hindered, delayed or defrauded.

SEC. 6. Said Lane, his agent, heirs or assigns shall have and may use the writ of ad quod damnum and all the benefits arising from the law authorizing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of said bridge, toll house and necessary causeway.

SEC. 7. It shall be the duty of the owner of said bridge to keep up in some convenient place on said bridge, where the toll shall or may be received or collected a list of the rate of toll allowed to be received, which list shall be printed in large English print.

SEC. 8. If any person or persons shall wilfully impair or injure said bridge, or cause the same to be injured by digging the dirt on or in the banks of the creek in the vicinity of the bridge, or in any other way or manner whatever, he, she or they so offending, shall forfeit and pay not less than three nor more than three thousand dollars, on conviction thereof by indictment, and shall moreover be liable to the owner for treble the amount of damages sustained with costs of suit, to be recovered in an action of trespass in any court of competent jurisdiction.

SEC. 9. That no other person or persons, company or body politic shall be authorized to establish a ferry or build a bridge over said creek within one mile of said bridge, after said bridge shall be completed for passengers for and during the time said bridge shall be kept in repair: *Provided*, That nothing in this act shall be so construed as to prevent any person or persons from passing above or below said bridge, at any time they may see proper.

SEC. 10. The said Lane shall pay to the Treasurer of the said county of Ripley, two hundred dollars annually, commencing on the 1st day of January, 1842, and in case of failure for the space of ninety days to make said payment after the same is due, this charter shall be forfeited, and the said bridge thenceforward shall become the property of the said county of Ripley.

SEC. 11. The board doing county business in the said county of Ripley, shall apply the bonus provided for in the 10th section of this act to the erection or repair of bridges, and the improvement of the

most important roads leading through said county, or cause the same to be loaned out by the county treasurer of said county for the purpose of purchasing said bridge and keeping the same in repair.

SEC. 12. If said bonus is applied to the erection or repair of bridges and improvement of roads, then and in that case the said board shall levy an ad valorem tax on all the property in said county subject to taxation for state and county purposes, after the expiration of fifteen years from the passage of this act for the purpose of raising a sum sufficient to purchase said bridge and put it in good repair, and shall from time to time levy and cause to be collected as aforesaid, a sum sufficient to keep said bridge in good repair.

SEC. 13. Said bridge shall be completed within twelve months from the passage of this act, or the privilege hereby granted to the said Lane shall be forfeited, and the board doing county business in the said county of Ripley may let out the erection of said bridge to any other person or persons on the same terms as are herein provided for said Lane.

SEC. 14. This act to take effect and be in force from and after its passage fifteen years, and thereafter until the county commissioners of Ripley county purchase said bridge, and the said county commissioners shall have the privilege and it shall be their duty within two years after the expiration of the said fifteen years to purchase said bridge at the price five disinterested men, (two to be chosen by said commissioners and two by said Lane, and the umpire by the said four,) shall say the same is worth then; provided that if the said bridge should be valued at more than two thousand dollars, then and in that case the said county of Ripley may delay the purchase thereof until the said bonus shall exceed the value of said bridge one-third; but nothing herein contained shall be so construed as to release the said Lane, his heirs or assigns from paying the bonus hereafter stipulated to the day of the transfer to said commissioners.

Mr. Watts moved to amend the proposed amendment by adding the following proviso:

Provided however, That the amount heretofore appropriated by the county of Dearborn to the building of the present bridge shall be refunded to said county of Dearborn out of the bonus paid by said Lane.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Bell, Carnan, Elliott, Foster, Hackett, Hargrove, Harris, Herriott, Nave, Nickel, Parker, Riley, Tannehill and Watts—16.

Those who voted in the negative were,

Messrs. Aker, Arion, Baird of St. J., Blair, Carr, Chamberlain,

Cravens, Dobson, Everts, Hanna, Hoover, Kinzer, McCord, Moffatt, Roberts, Stafford, Test and Wright—18.

So said motion did not prevail.

Mr. Watts moved further to amend the amendment by adding the following proviso:

Provided, That the bonus provided for by this act shall be divided among the counties of Ripley, Decatur and Dearborn, in the ratio of their original subscription to the old bridge, under the direction of the board of commissioners of Ripley county.

Mr. Eggleston moved to refer the bill and amendments to a select committee.

Which motion prevailed.

Ordered, That Messrs. Eggleston, Morgan and Bell constitute said committee.

The following message was received from the House of Representatives, by Mr. Smydth, a member:

MR. PRESIDENT:

I am instructed to inform the Senate that the House of Representatives has passed a bill thereof, No. 195, entitled a bill for the relief of the securities of Andrew Martin, collector of the state and county revenue of Daviess county for the year 1839;

In which the concurrence of the Senate is respectfully requested.

Bill No. 195, named in said message, was read the first time, and,

On motion of Mr. Carnan, the rules of the Senate were suspended and the bill was read a second and third times and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

The following messages were received from the House of Representatives by Mr. Montgomery, a member:

MR. PRESIDENT—

The Speaker having signed the following enrolled bill of the Senate, viz:

No. 12, an act to repeal certain acts therein named, so far as they relate to the county of Carroll;

Also the following enrolled bill of the House:

No. 48, an act to secure to the owners of land upon which the public works have been suspended, the use of the same,

I have been directed to bring the same to the Senate for the signature of the President thereof.

The President signed said bills.

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has concurred in the several amendments of the Senate to the joint resolution of the House, No. 69, relative to the Sub-Treasury.

The Senate resumed the consideration of the bill of the Senate to suspend the further prosecution of the public works and for other purposes, which was pending when the Senate last adjourned.

Mr. Eggleston moved to reconsider the vote taken yesterday on adopting the amendment of the committee on modification as amended: and after debate, and before any decision was had thereon, the Senate,

On motion, adjourned.

2 o'clock, P. M.

The Senate assembled,

And resumed the consideration of the subject pending at the adjournment.

The pending question being on the motion of Mr. Eggleston to reconsider the vote taken on concurring in the amendment of the committee as amended,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Berry, Blair, Carnan, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Lowe, McCord, Moffatt, Mount, Parker, Riley, Roberts, Test, Thompson, Watts and Wright—25.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Beard of Mont., Bell, Carr, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Kinzer, Morgan, Nave, Nickel, Stafford, Stevenson, Tannehill, and Williams—21.

So said motion prevailed and the vote was re-considered.

Mr. Baird of St. Joseph moved to re-consider the vote taken yesterday on the proviso offered by Mr. Hanna to the amendment of the committee.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Baird of St. Joseph, Berry, Blair, Carnan, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Ewing,

Hackett, Hargrove, Harris, Lowe, McCord, Moffatt, Mount, Parker, Riley, Roberts, Thompson, Watts, Williams and Wright—26.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Beard of Montgomery, Bell, Carr, Everts, Foster, Hanna, Herriot, Hoover, Kinzer, Morgan, Nave, Nickel, Stafford, Stevenson, Tannehill, and Test—19.

So said motion to re-consider prevailed.

Mr. Hanna then withdrew his amendment.

Mr. Dobson moved to strike out the first two sections of the amendment reported by the committee, and insert in lieu thereof the following, viz:

A Bill to Classify and Modify the System of Internal Improvements.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the public works enumerated in the act entitled an act to provide for a general system of internal improvements, approved Jan. 27, 1836, be and the same are hereby divided into two classes to be denominated the first and second classes, that is to say, the improvement of the Rapids of the Wabash River, the continuation of the Wabash and Erie Canal from Lafayette to Terre-Haute, the Cross-cut Canal and the Central Canal from that point to Evansville, the Vincennes and New-Albany McAdamized road, the Indianapolis and Lafayette road between Crawfordsville and Lafayette, and the Madison and Indianapolis Rail Road to Edenburgh, shall constitute the first class. The White Water Canal from Lawrenceburgh to the National Road, the Erie and Michigan Canal, the Central Canal from its point of intersection with the Cross-cut Canal to the intersection with the Wabash and Erie Canal, the Jeffersonville and Crawfordsville Road and the Indianapolis and Lafayette Road between Indianapolis and Crawfordsville, and the Indianapolis and Madison Rail Road from Edenburgh to Indianapolis shall constitute the second class.

A division of the question being called, by Mr. Thompson,

The question was taken on striking out,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Montgomery, Bell, Chamberlain, Dobson, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Moffatt, Mount, Stafford, Test, and Williams—18.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Blair, Carnan, Clark, Carr, Collins, Cravens, Eggleston, Ewing, Hackett, Hargrove, Harris, Kin-

zer, Lowe, McCord, Morgan, Nave, Nickel, Parker, Riley, Roberts, Stevenson, Tannehill, Thompson, Watts, and Wright—27.

So said motion did not prevail.

The question recurring on concurring in the amendment of the committee,

Mr. Arion moved that the bill and amendment be laid on the table; The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Montgomery, Bell, Chamberlain, Dobson, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Moffatt, Mount, Nave, Nickel, Parker, Roberts, Stafford, Tannehill, Test, and Williams—23.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Eggleston, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Riley, Stevenson, Thompson, Watts and Wright—23.

The President voted in the affirmative.

So said motion prevailed.

Mr. Thompson, from a select committee, made a report:

MR. PRESIDENT—The select committee to which was referred a bill of the House of Representatives, No. 145, entitled a bill to distribute the school funds and for other purposes, in Perry county, have examined its provisions and instructed me to report it without amendment, and recommend its passage.

The said bill was then read the third time, the rules having been suspended for that purpose, and passed.

Mr. Test, from a select committee, made a report:

MR. PRESIDENT—

The select committee to whom was referred a petition of the society of Friends praying the enactment of a law allowing to persons of color the right of trial by jury, when apprehended within the jurisdiction of the State of Indiana as fugitives from labor, have had the same under consideration, and reported the bill allowing to either party the right of trial by jury, being bill No. 80, entitled a bill to amend the act entitled "an act relative to fugitives from labor, approved, Jan. 22, 1824."

Which said bill was read the first time and passed to a second reading to-morrow.

Mr. Baird of St. Joseph, on leave granted, introduced bill No. 81, entitled a bill to regulate times of holding courts in the several counties of the ninth judicial circuit; which was read the first time, and, on motion of Mr. Baird of St. Joseph, the rules of the Senate were suspended, and the bill was read a second and third times and passed.

Ordered, That the Secretary inform the House of Representatives thereof and request their concurrence therein.

Mr. Berry, on leave granted, introduced a bill entitled, No. 82, a bill to authorize Enos Blair, former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county for the years 1836, 1837, and 1838; which was read the first time and passed to a second reading on to-morrow.

Mr. Clark, on leave granted, offered the following resolution:

Resolved, That the Senate will, the House concurring therein, adjourn *sine die* on Monday the first day of February next.

Mr. Parker moved to amend by striking out the "first" and inserting the "eighth;"

Which motion did not prevail.

Mr. Moffatt moved to lay the resolution on the table;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. Joseph, Berry, Chamberlain, Elliott, Everts, Ewing, Hackett, Hanna, Hoover, Kinzer, Moffatt, Mount, Parker, Tannehill, Thompson and Williams—17.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Beard of Montgomery, Bell, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Foster, Harris, Herriott, Lowe, McCord, Morgan, Nave, Nickel, Riley, Stafford, Stevenson, Test, Watts and Wright—27.

So said motion did not prevail.

The question then recurring on the adoption of the resolution;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Beard of Montgomery, Bell, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Eggleston, Foster, Herriott, Lowe, McCord, Morgan, Nave, Nickel, Riley, Stafford, Stevenson, Test, Thompson, Watts and Wright—28.

Those who voted in the negative were,

Messrs. Arion, Baird of St. Joseph, Dobson, Elliott, Everts, Ewing, Hackett, Hanna, Harris, Hoover, Kinzer, Moffatt, Mount, Parker, Tannehill, and Williams—16.

So said resolution was adopted.

Mr. Baird of St. Joseph, on leave being granted, presented the petition of sundry citizens of Kosciusko county, in relation to the county seat of said county;

Which was referred to a select committee of Messrs. Foster, Baird of St. Joseph and Blair.

On motion of Mr. Test, leave being granted,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law, that all deeds and conveyances, made and executed by any person without this State, and brought hitherto, be recorded, and which shall be acknowledged before any notary public or mayor of a city, shall be as valid and effectual in law, as if the same had been acknowledged before a justice of the peace of the county where the lands lie.

Mr. Ewing, on leave granted, offered the following resolution, which was adopted, viz:

Resolved, That the committee on corporations be instructed to inquire into the expediency of prohibiting by law any violation of that part of the charter of the State Bank, which provides that no corporation shall be indebted to any one Branch more than 5000 dollars for money loaned, and to prohibit any such indebtedness to a greater amount either on notes discounted, bills purchased, or otherwise to give said corporation the use thereof, (except upon deposit in proper business transactions,) and generally to make the officers of the various Branches liable for any violation of the provisions of the charter who may be found to violate the provisions thereof.

Mr. Parker, on leave granted, offered the following resolution:

Resolved, That the Board of Internal Improvements be instructed to report to this Senate, as soon as practicable, the counties in this State that are directly interested in any one of the public works, the completion of which is contemplated by the act of 1836, designating in classes the counties that are so interested in each work, and so classifying the counties that every county in the State shall be attached to some one work or two works in case two works pass through the same county.

Mr. Eggleston moved to amend the resolution by adding the following proviso:

Provided, That Switzerland county be attached to the improvements contemplated on the rapids of the Wabash for said purposes.

Which motion did not prevail.

The resolution was then adopted.

Mr. Morgan, from a select committee, on leave granted, made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the House of Representatives No. 69, entitled "a bill to incorporate the Laughery Bridge Company, have had the same under consideration, and have made several amendments as follows, viz: add to the end of the 11th section the following, viz: and keeping the same in repair.

Second amendment. Add to the end of the 12th section, the following words, viz: "and shall from time to time levy and cause to be

collected as aforesaid, a sum sufficient to keep said bridge in good repair.

Third amendment, after the word privilege in the 13th section, strike out the following words, viz: "at any time after the expiration of the said fifteen years of purchasing—" and insert the following words, viz: "and it shall be their duty within two years after the expiration of the said fifteen years to purchase;" and after the word "then," insert the following proviso: "Provided, That if the said bridge shall be valued at more than two thousand dollars, then and in that case the said county of Ripley may delay the purchase thereof until the said bonus shall exceed the valuation of said bridge one third;"

Which amendments were concurred in, and then, the rules having been suspended, the bill was read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Wright, on leave granted, introduced a bill entitled No. 82, to incorporate the Logansport Trading and Manufacturing Company;

Which was twice read, the rules of the Senate having been suspended for that purpose, and referred to the committee on corporations.

Mr. Williams, from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills report, that they have compared the following enrolled bills of the Senate with the engrossed, and find the same truly enrolled, to-wit:

No. 3, an act to equalize the judicial circuits of the State of Indiana, and for other purposes,

No. 48, an act to secure to the owners of land upon which the public works have been suspended, the use of the same.

The following message was received from the House of Representatives, by Mr. Smith a member:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed an enrolled bill thereof, No. 195, entitled "an act for the relief of the securities of Andrew Martin, collector of the State and county revenue of the county of Daviess for the year 1839;" and No. 3 of the Senate, entitled "an act to equalize the judicial circuits, of the State of Indiana, and for other purposes," and directed me to report the same to the Senate for the signature of the President thereof.

The President signed said bills.

Mr. Williams, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have presented to his Excellency the Governor, for his approval and signature the following bills of the Senate, to-wit:

No. 12, An act to repeal certain acts therein named, so far as they relate to the county of Carroll,

No. 48, an act to secure to the owners of land upon which the public works have been suspended, the use of the same,

No. 3, an act to equalize the judicial circuits of the State of Indiana, and for other purposes.

On motion, the Senate adjourned.

SATURDAY MORNING, JANUARY 16, 1841.

The Senate assembled.

Mr. Nickel presented the following protest:

The undersigned, a member of this body, availing himself of the right guaranteed to him by the 10th section of the third article of the Constitution of the State, most solemnly protests against the passage of a bill that passed this body on Friday, the first of this instant, entitled "a bill for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana," for the following among other reasons:

First. The Declaration of Independence declares "that all men are created equal; that they are endowed by their Creator with certain unalienable rights, &c.

Second. The constitution of the United States says: Representatives and direct taxes shall be apportioned among the Several States which may be included within this Union, according to their respective numbers, &c.

Third. The "act of Virginia, passed December 20th, 1783, ceding to the United States the territory north-west of the river Ohio, together with two several acts of Congress, (the first passed July 13th, 1787, and the second approved April 19th, 1816,) secure to the State of Indiana, a form of government strictly republican.

Fourth. The second section of the third article of the Constitution of this State says: "the General Assembly shall, in the year eighteen hundred and twenty, and every subsequent term of five years, cause an enumeration to be made of all the white male inhabitants, above the age of twenty-one years." And it further says: "the number of Representatives shall, at the several periods of making such enumeration, be fixed by the General Assembly, and apportioned among the several counties, according to the number of white male inhabitants above the age of twenty-one years, in each. In accordance with the provisions of this section, the General Assembly of 1839-40, passed an act entitled, "an act to provide for taking the enumeration of the white male inhabitants, above the age of twenty-one years, in this State, approved, February 7th, 1840." This act, among other things, made it the duty of the Secretary of State, on the second Monday of this session, to furnish the President of the Senate (for the inspection and use of its members) with a certified statement, exhibiting the whole number returned from each county,

This being done, it appears to the undersigned, that this report, is the only constitutional basis, upon which an apportionment of Senators and representatives can be made.

Then, by an examination of this bill, together with the report above referred to, it is seen, that the county of Switzerland, (with a representative population of fourteen hundred and fifty-eight,) is given one Senator and one Representative; Floyd, with fourteen hundred and eighty-five, one Senator and one Representative; Vermillion, with sixteen hundred and forty-nine, one Senator and one Representative; Ripley, with sixteen hundred and ninety-six, one Senator and one Representative; and the county of Shelby, with a representative population of twenty-one hundred and seventy-eight, one Senator and one Representative. But this is not all. The counties of Daviess and Martin, with a representative population, twenty-four less than Shelby, are given a floating member (three years out of five) more than Shelby. Nor is this all. The counties of Monroe and Brown, with a representative population of fifty-one less than Shelby, are given a floating member two years out of five, more than Shelby. The county of Lawrence, with a representative population only eleven over Shelby, is given, for that eleven, a float three years out of five. And finally, the counties of Madison and Hancock, have a representative population over Shelby, of four hundred and ninety-seven; and for that four hundred and ninety-seven, are given two representatives over Shelby.

The undersigned will not further trace the unfair, unjust, and unconstitutional provisions of this bill; believing, as he does, that its provisions are in direct violation of the rights of man, contrary to the spirit of the Declaration of Independence, and a complete perversion of the spirit and meaning, both of the Constitution of the United States, and of the State of Indiana. JOSEPH B. NICKEL.

Mr. Nave moved that the Senate Suspend the order of business, and take up bill No. 55, to modify the system of Internal Improvements.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Bell, Carr, Chamberlain, Clark, Cravens, Elliott, Everts, Harris, Herriott, Hoover, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Parker, Riley, Stevenson, Tannehill, Thompson, Watts, Williams and Wright—27.

Those who voted in the negative were,

Messrs. Baird of St. Joseph, Beard of M., Berry, Blair, Carnan, Collins, Dobson, Eggleston, Hackett, Hargrove, McCord, Moffatt, and Roberts—13.

So said motion prevailed, and

On motion of Mr. Nave, said bill was committed to the same select committee which reported it.

The following message was received from the House of Representatives by Mr. Hagar, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill of the Senate of the following title, without amendment:

No. 76, an act to authorize the associate judges in the county of Ripley, to hold a probate court;

Also the following engrossed bills of the House:

No. 114, an act to authorize William L. McKinney, a minor, to sell certain real estate therein named;

No. 116, an act to extend to the settlers on the Wabash and Erie canal lands, the benefits of "an act for the relief of settlers on the Wabash and Erie canal lands;" approved, February 24, 1840;

No. 131, an act for the relief of Edward H. Jacot;

No. 172, an act to amend "an act to create the office of Private Secretary to the Governor," approved, February 16, 1838;

No. 173, an act to incorporate the Trustees of the Daviess county Seminary;

No. 181, an act to re-appropriate certain moneys therein named;

In which the concurrence of the Senate is respectfully requested.

Bills No. 114, 116, 131, and 172, named in the above message, were read the first time and passed to a second reading on Monday next.

Bill No. 173, of the above message was read the first time, and

On motion of Mr. Berry the rule was suspended, and said bill read a second time, and referred to the committee on corporations.

Bill No. 181 of the message, was read the first time, and

On motion of Mr. Watts the rule was suspended and said bill read the second time and referred to a select committee of Messrs. Watts, Elliott, and Mount.

The following message was received from the House of Representatives, by Mr. Hagar, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that they have passed an engrossed bill of the Senate, as follows, with one amendment, in which the concurrence of the Senate is requested.

No. 40, an act to incorporate the Princeton Musical Institute;

Also the following engrossed bills of the House;

No. 82, an act defining the duties of petitioners for re-locating seats of justice, and for other purposes;

No. 129, an act to incorporate the Bristol Manufacturing Company;

No. 130, an act to extend the benefits of an act entitled "an act to incorporate the Marion Fire Engine Company," approved January 20, 1838;

No. 132, an act to abolish capital punishment;

No. 145, an act to incorporate the Greensburgh Steam Mill and Manufacturing Company in Decatur county;

No. 146, an act concerning petit jurors in certain cases,

In which the concurrence of the Senate is respectfully requested.

The amendment of the House of Representatives to bill No. 40 of the Senate, named in the above Messrge, was concurred in.

Bill, No. 82, of the message, was read the second time, and passed to a second reading on Monday next.

Bill, No. 129, of the message, was read the first time, and

On motion of Mr. Chamberlain,

The rule was suspended, and said bill read a second time, and referred to a select committee of Messrs. Chamberlain, Baird of St. Joseph and Stevenson.

Bill, No. 130, of the message, was read the first time, and

On motion of Mr. Watts,

The rule was suspended, and said bill read the second time, and referred to the committee on corporations.

Bill, No. 132, of the message, was read the first time, and

On motion of Mr. Thompson,

The rule was suspended, and said bill read the second time, and referred to the same select committee to which a resolution of the Senate upon that subject had been referred.

Bill, No. 143, of the message, was read the first time, and

On motion of Mr. Clark,

The rule was suspended, and said bill read a second time, and referred to the committee on corporations.

Bill, No. 146, of the message, was read the first time, and

On motion of Mr. Lowe,

The rule was suspended, and said bill read a second time, and

On motion of Mr. Tannehill, referred to the committee on the judiciary.

Mr. Collins presented the petition of sundry citizens of New Albany, in relation to a change in the charter of said town;

Which was read and referred to the committee on corporations.

Mr. Wright, from the committee on education, made the following report:

MR. PRESIDENT—

The standing committee on education to whom was referred the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of amending the eighteenth section of the eighth chapter of an act, entitled "an act incorporating Congressional townships and providing for public schools therein," approved February

17th, 1838, so that in case of purchase of school lands, where the purchaser has paid part of the purchase money and has died, leaving an heir under the age of fourteen years, said heir shall not be subject to forfeit said land; but that said heir, or guardian may release said land from such forfeiture, by paying interest at the rate of ten per cent. from the time such failure accrued, with leave to report by bill or otherwise, have had the same under consideration, and have directed me to report the following

Bill, No. 83, to amend an act entitled, an act incorporating Congressional townships, and providing for public schools therein, approved February 17, 1838;

Which was read the first time, and passed to a second reading.

Mr. Thompson, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to which was referred the following resolution, to wit:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the law in relation to tippling houses, that any person or persons keeping a tippling house or houses, shall subject himself to pay the sum of fifty dollars for a license to vend ardent spirits in such town or township, and the amount of said license to be applied to the use of common schools in the county where such tippling shop shall be established, and be subject to the punishment as prescribed in the 19th section of an act relating to tippling houses, and said committee be requested to report by bill or otherwise—

Have, after due consideration, instructed me to report that it is inexpedient to legislate upon the subject, to which the concurrence of the Senate is requested.

The report was concurred in.

Mr. Dobson, from the committee on claims, made a report:

MR. PRESIDENT—

The committee on claims, to whom was referred a bill of the House, No. 87, for the relief of Marshall S. Wines, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage;

Which report, and the bill referred to, was,

On motion of Mr. Watts, laid on the table.

Mr. Berry, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations, to whom was referred bill of th
38 S

Senate, No. 60, to incorporate the Indiana Iron Manufacturing Company, have had that subject under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Mr. Chamberlain moved to amend said bill, as follows:

"The Legislature reserves the right to alter, amend or annul this charter, at any time hereafter;"

Which did not prevail.

On motion of Mr. Dobson,

The rule was suspended, and said bill read the third time and passed.

Mr. Angle, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Henry Lucas and others, praying for certain relief therein named, have had the same under consideration, and have directed me to report a bill, pursuant to the prayer of said petitioners:—

Bill, No. 84, for the relief of Henry Goode, of the county of Boone, Was read the first time, and passed to a second reading.

Mr. Thompson, from a select committee, made a report:

MR. PRESIDENT—

The select committee to which was referred a bill of the House of Representatives, No. 147, entitled, a bill to repeal the 103d section of an act therein named, so far as relates to Perry county, have instructed me to make one amendment, to wit: strike out the last line of the first section, and insert the following, as an additional section:

SEC. 2. It shall be the duty of the Secretary of State forthwith, upon the passage of this act, to transmit a copy to the Clerk of the Circuit Court of Perry county, whose duty it shall be to file the same in his office, and henceforth, it shall be in full force in said county; to which amendment the concurrence of the Senate is respectfully requested.

The report was concurred in, and said bill, the rule having been suspended, read the third time and passed.

Mr. Dobson, from a select committee, made the following report:

MR. PRESIDENT—

The select committee, to whom was referred the petition of Charles Dudley, praying for the change of a certain state road, have had the subject under their consideration, and have directed me to report the following bill, and recommend its passage:

Bill, No. 85, to change a State road therein named,

Was read the first time, and passed to a second reading on Monday next.

Mr. Parker, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred bill, No. 77, of the Senate, in reference to the creation of a new school district, at Philomath, in Union county, together with the petition and remonstrance in reference to the same subject, have had that matter under consideration, and the majority of the committee have agreed that the same be reported back to the Senate, and the passage of the bill recommended.

The rule having been suspended, said bill was read the third time and passed.

Mr. Harris, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred a petition of John Burr and others, citizens of Carroll county, praying for a repeal of the act incorporating the town of Delphi, and also a remonstrance of Thomas C. Hughes and others on the same subject, have had the same under their consideration, and have directed me to report, that judging from the signatures upon the petition and remonstrance, a large majority of the citizens of said town seem opposed to the repeal of the act of incorporation, and the committee are, therefore, of opinion it would be *anti-democratic* to grant the prayer of the petitioners. The committee report the petition and remonstrance back to the Senate, and ask to be discharged from the further consideration thereof.

The report was concurred in.

Mr. Aker, from a select committee, made the following report:

MR. PRESIDENT—

The select committee, to whom was referred the petition from Hiram Mendenhall and others, of Randolph county, praying the passage of an act to authorize the Trustees of the Randolph county Seminary to borrow money from the Agent of the Surplus Revenue, or School Commissioner of said county, for the purpose of completing said Seminary and for other purposes, have had the same under consideration, and have instructed me to report a bill in accordance with the prayer of said petitioners, and recommend its passage.

Bill, No. 86, to authorize the Seminary Trustees of Randolph county to borrow money, and for other purposes;

Was read the first time, and passed to a second reading on Monday next.

Mr. Chamberlain, from a select committee, made the following report;

MR. PRESIDENT—

The select committee to whom was referred a bill for the relief of

school district, No. 3, in township No. 6, north of range No. 10 west, in Vanderburgh county, have had that subject under consideration, and directed me to report the same back to the Senate, and recommend its passage with three amendments.

1st. To insert, as the second section, the following:

SEC. 2. Said Guardians are hereby authorized and empowered, to execute the necessary deed or deeds of conveyance for said tract of land, for and on behalf of said heirs, to said Trustees, for the purpose aforesaid; which deed or deeds, when sanctioned and approved by the Judge or Judges of the Probate Court of Vanderburgh county, shall be valued for the purposes aforesaid, and not otherwise.

2d. In the last section, after the word act, insert the following:—"This act to be taken as a public act;" and

3d. At the end of the last section add the words, "at the expense of said Trustees."

The report was concurred in, and said bill ordered to a third reading on Monday next.

Mr. Cravens, from a select committee, made the following report:

MR. PRESIDENT—

The select committee, to which was referred a bill of the House of Representatives, No. 73, entitled, "A bill for the protection of sheep, have had the same under consideration, and have made one amendment, as follows, to wit: strike out the word "Ripley," in the last line of the 5th section of the bill.

Mr. Dobson moved to amend the amendment of the committee, by striking out "Green;"

Which was agreed to.

Mr. Watts moved further to amend the amendment, by striking out "Dearborn;"

Which was agreed to.

Mr. Chamberlain moved to amend the amendment, as follows:

SEC. That the act entitled, an act to repeal an act granting a bounty on Wolf scalps, approved February 1840, be and the same is hereby repealed.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird of St. Joseph, Bell, Chamberlain, Dobson, Everts, Foster, Hanna, Harris, Nave, Nickel, Tannehill and Wright—14.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Beard of M., Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Eggleston, Elliott, Hackett, Hargrove, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount,

Parker, Riley, Stevenson, Test Thompson, Watts and Williams—29.

So said amendment was not adopted.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The subject pending at the last adjournment was resumed.

The question being on concurring in the report of the select committee, on bill, No. 73, with an amendment;

Mr. Test moved to reconsider the vote taken on Mr. Chamberlain's motion to amend the amendment;

Which was not agreed to.

The question was then taken on concurring in the report, and decided in the affirmative.

The bill was then ordered to a third reading on Monday next.

On motion of Mr. Morgan, it was

Resolved, That the committee on claims be requested to inquire into the expediency of making an allowance, out of the State Treasury, to William McCane and William Huffman, witnesses on behalf of the State, against Thompson, for the murder of A. Rynerson, with leave to report by bill or otherwise.

Mr. Moffatt, leave being granted, made the following report:

MR. PRESIDENT—

The committee to whom was referred the memorial of Orson Willard, of Sullivan county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

Bill No. 87, for the relief of Orson Willard, was read the first time and passed to a second reading.

On motion of Mr. Ewing, it was

Resolved, That the committee upon corporations be instructed to inquire into the expediency of prohibiting by law, the collection of fees and costs of protests upon notes which have been discounted, and afterwards protested, for non-payment in any of the banks in this State, and to report whether in their opinion, written notices of non-payment given by the officers of said bank is not sufficient to bind the indorsers, and parties thereto. And further, to inquire how far the practice has prevailed of cashiers, tellers, or other officers of banks of this State, of acting as such notary publics, and protesting such notes, and whether renewals have not been refused, unless such fees were paid; and whether large amounts of money have not been thus unnecessarily exacted off the community.

On motion of Mr. Watts,

The report of the committee on claims, on bill No. 87, for the relief of Marshall S. Wines, with said bill, was taken from the table.

The report was concurred in and said bill ordered to a third reading on Monday next.

Mr. Chamberlain introduced joint resolution, No. 88, of the General Assembly of the State of Indiana, on the subject of Mr. Benton's bill to establish a permanent pre-emption system in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon; which was read the first time, and passed to a second reading on Monday next.

Mr. Everts introduced bill No. 89, to prohibit the taking of special bail, except in certain cases; which was read the first time and passed to a second reading on Monday next.

Mr. Parker introduced bill No. 90, to amend an act entitled, an act relative to crimes and punishment, approved February 10, 1831; which was read twice, (the rule having been suspended,) and referred to the judiciary committee.

Mr. Riley introduced bill No. 91, to incorporate the Orleans band of music; which was read twice, the rule having been suspended, and referred to the committee on corporations.

Mr. Carr introduced bill No. 92, to amend an act, amendatory to an act entitled, an act concerning the seminary township of land in Gibson and Monroe counties, approved January 25, 1837.

Approved February 24, 1840.

Which was read the first time and passed to a second reading on Monday next.

Mr. Collins introduced bill No. 93, to regulate the time of holding circuit court within the second judicial circuit of the State of Indiana; which was read the first time and passed to a second reading on Monday next.

Mr. Wright introduced bill No. 94, for the relief of purchasers of the Wabash and Erie canal lands; which was read the first time and passed to a second reading on Monday next.

Mr. Hoover, introduced bill No. 95, regulating the time of holding courts in the first judicial circuit and for other purposes; which was read the first time, and,

On motion of Mr. Hoover,

The rules was suspended, and said bill read a second and third times and passed.

Mr. Collins introduced bill No. 96, for the benefit of William T. Spurrier, and others; which was read the first time and passed to a second reading on Monday next.

Mr. Hoover introduced bill No. 97, concerning the late mayor of the town of Lafayette; which was read twice, the rules having been suspended, and referred to the judiciary committee.

On motion of Mr. Wright,

Bill No. 36, of the House, for the relief of the children of Walter Slaughter, was taken from the table, and read a third time and passed.

Mr. Williams, from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills report, that they have com-

pared the following enrolled with the engrossed bills of the Senate, and find the same truly enrolled, to-wit:

No. 76, an act to authorize the associate judges in Ripley county to hold a special session.

No. 45, an act for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana.

Message from the House of Representatives, by Mr. Dowling, a member:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills of the Senate, viz:

No. 76, an act to authorize the associate judges in Ripley county to hold a probate court.

I am directed by the House of Representatives to bring the same to the Senate, for the signature of the President thereof:

And the President signed said bill.

The following message was received from the House of Representatives, by Mr. Smydth, a member:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed the following bill of the Senate, No. 45, entitled, an act for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana, I have been requested to report the same to the Senate for the signature of the President thereof, and the President signed said bill.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bill of the Senate, to-wit:

No. 76, an act to authorize the associate judges of Ripley county to hold a probate court.

Mr. Williams, from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills report that they have presented to his Excellency the Governor, for his approval and signature the following bill of the Senate, to-wit:

No. 45, an act for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana.

ORDERS OF THE DAY.

Joint resolution, No. 16, of the Senate, of the Legislature of the State of Indiana, on the subject of the public lands of the United States, was read the third time; and on the question, shall said joint resolution pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Blair, Clark, Collins, Dobson, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stevenson, Test, Thompson, Watts, and Wright—30.

Those who voted in the negative were,

Messrs. Carr, Chamberlain, Foster, Hackett, Hargrove, Harris, Lowe, Nickel, Roberts, and Tannehill—10.

So said joint resolution passed.

Bill No. 68, of the Senate, to authorize the board doing county business in Switzerland county, Indiana, to establish a toll bridge over Indian creek, in said county, was read the third time and passed.

Bill No. 63, of the Senate, in relation to tolls upon the public works in Indiana, was read the third time and passed.

Bill No. 69, of the Senate, relative to officers of State, and the Governor's house, was read the third time and passed.

Bill No. 70, of the Senate, to amend an act entitled, an act to incorporate the town of New Castle, in the county of Henry, approved Feb. 1836, was read the third time and passed.

Bill No. 79, of the House, to prohibit the making, issuing, or circulating small notes or bills, was read the third time.

Mr. Thompson moved to lay said bill on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Beard of Mont., Bell, Blair, Carr, Collins, Hackett, Hanna, Herriott, Hoover, Moffatt, Nave, Parker, Tannehill, Thompson, and Watts—16.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. J., Berry, Carnan, Chamberlain, Clark, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Hargrove, Harris, Lowe, McCord, Morgan, Mount, Nickel, Riley, Stevenson, Test, Williams, and Wright—26.

So said motion did not prevail.

Mr. Hanna moved to re-commit said bill with instructions to pro-

vide as follows: "That any corporation which shall exact a greater rate of interest on notes or bills of exchange, either secretly or otherwise, purchased or sold by such corporation than at the rate of ten per cent. per annum, shall be subject to all the pains and penalties contained in the foregoing sections of this bill."

Mr. Test moved to lay said instructions on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Baird of St. Jos, Beard of Mont., Bell, Berry, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hargrove, Hoover, McCord, Mount, Riley, Stevenson, Test, Watts, Williams, and Wright—22.

Those who voted in the negative were,

Messrs. Angle, Arion, Bell, Blair, Carr, Chamberlain, Dobson, Foster, Hackett, Hanna, Harris, Herriott, Lowe, Moffatt, Morgan, Nave, Nickel, Parker, Tannehill, and Thompson—20.

So said motion prevailed.

The question recurring on the passage of the bill,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird of St. J., Beard of Mont., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Hargrove, Harris, Herriott, Hoover, Lowe, McCord, Morgan, Mount, Nickel, Riley, Roberts, Stevenson, Tannehill, Test, Thompson, Watts, Williams, and Wright—37.

Those who voted in the negative were,

Messrs. Arion, Hanna, Moffatt, Nave, and Parker—5.

So said bill was passed.

Bill No. 96, of the House, to vacate a part of the town of Bowling Green, in Clay county, was read the third time and passed.

Bill No. 106, of the House, to authorize Thomas S. Hinde to establish a ferry therein named, was read the third time and passed.

Bill No. 104, of the House, to authorize probate judges to issue writs of habeas corpus, and proceed to trial thereon, was read the third time and passed.

Bill No. 113, of the House, for the relief of the late collectors of the State and county revenue, for the county of Harrison, was read the third time.

Mr. Thompson moved to strike out of the last section the word "Perry," which was agreed to, and,

On motion of Mr. Morgan,
Said bill was laid on the table.

No. 122, of the House, a joint resolution relative to the election of President and Vice President of the United States, was read the third time and passed.

No. 72, of the Senate, a joint resolution in relation to foreign goods, was read the second time, and ordered to be engrossed, and read the third time on Monday next.

Bill No. 73, of the Senate, to amend an act entitled, an act for the encouragement of agriculture, approved Feb. 7, 1835, was read the second time, and ordered to be engrossed and read the third time on Monday next.

Bill No. 74, of the Senate, for the relief of Micajah Barkley, was read the second time, and ordered to be engrossed for a third reading on Monday next.

Bill No. 75, of the Senate, to locate a certain State road therein named, was read the second time, and,

On motion of Mr. Nave,

The rule was suspended, and said bill read the third time and passed.

Bill No. 78, of the Senate, to amend the act authorizing the seizure of boats, and other vessels for debt, approved Feb. 17, 1838, was read the second time, and,

On motion of Mr. Thompson,

The rule was suspended, and said bill read the third time and passed.

Bill No. 79, of the Senate, to authorize school commissioners to refund money in certain cases therein named, was read the second time, and ordered to be engrossed.

On motion of Mr. Ewing,

The rule was suspended, and said bill read the third time and passed.

Bill No. 80, of the Senate, to amend the act entitled, an act relative to fugitives from labor, approved Jan. 22, 1824, was read the second time.

Mr. Moffatt moved to indefinitely postpone said bill, and before the question was taken thereon,

On motion, the Senate adjourned.

MONDAY MORNING, JAN. 18th, 1841.

Senate assembled.

The following message was received from the House of Representatives, by Mr. Hager, their Clerk:

Mr. President—

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills of the Senate, viz:

No. 31, an act to authorize the Governor of this State to order a special election for Representatives in Congress;

No. 59, an act to repeal part of an act entitled an act relative to the New-Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes, approved February 22, 1840.

No. 72, an act to fix the time of holding the probate courts in Fayette county;

No. 81, an act to regulate the times of holding courts in the several counties in the ninth judicial circuit;

The three last without amendment and the first with one amendment, in which the concurrence of the Senate is respectfully requested.

The House has concurred in the amendment of the Senate to bill of the House, No. 69, to incorporate the Laughery Bridge Company, with an amendment, in which I am directed to ask the concurrence of the Senate.

The House has also passed the following engrossed bills and joint resolutions thereof, viz:

No. 95, an act to provide for the selection of grand and petit jurors;

No. 97, an act to incorporate the Maumee and Wabash Canal Company;

No. 133, an act to authorize William Mumford, to build a bridge across the Wabash River in the county of Wabash;

No. 155, an act for the re-location of the seat of justice in Blackford county;

No. 180, a joint resolution relative to the destruction of the statutes of Dubois county;

No. 184, an act to amend an act subjecting real and personal estate to execution, approved February 4, 1831;

No. 185, an act declaring Patoka a public highway, and for other purposes;

No. 187, an act to authorize Obadiah Jones to build a mill-dam across the Mississinewa River, in Grant county;

No. 190, an act to amend the 17th section of an act to provide for a general system of internal improvement, approved January 27, 1836;

No. 191, a joint resolution relative to the public domain;

No. 200, an act to amend an act for the formation of the county of Blackford, approved February 15, 1838;

In all of which the concurrence of the Senate is respectfully requested;

No. 26, an act to amend an act to incorporate the Lawrenceburg Bridge Company, approved January 24, 1837.

The Senate concurred in the amendment of the House to bill No. 31 of the Senate, named in the above message;

The Senate also concurred in the amendment of the House to bill No. 69 of the message;

Bill No. 95 of the message was read the first time, and, on motion of Mr. Parker, the rule was suspended, and said bill read the second time and referred to the committee on the judiciary;

Bill No. 97 of the message, was read the first time, and on motion of Mr. Hargrove, the rule was suspended, and said bill read the second time and referred to the committee on corporations.

Bill No. 133 of the message was read twice, the rule having been suspended, and referred to the committee on corporations.

Bill No. 155 of the message was read twice, the rule having been suspended, and referred to the committee on the judiciary.

Bill No. 180, a joint resolution named in the message, was read the first time and ordered to a second reading.

Bill No. 184 of the message was read twice, the rule having been suspended, and referred to the committee on the judiciary.

Bill No. 185 of the message was read twice, the rule having been suspended, and referred to a select committee of Messrs. Hargrove, Riley, and Thompson.

Bills Nos. 187 and 190 of the message were read the first time and passed to a second reading.

Joint resolution No. 191 of the message was read twice, the rule having been suspended, and referred to the committee on federal relations.

Bill No. 200 of the message was read twice, the rule having been suspended, and referred to a select committee of Messrs. Ewing, Foster and Aker.

Bill No. 26 of the message was read twice, the rule having been suspended, and referred to the committee on corporations.

Mr. Harris, leave being granted, introduced bill No. 98, relative to the surplus revenue of the United States allotted to Carroll county;

Which was read twice, the rule having been suspended, and referred to the committee on the judiciary.

PETITIONS AND REMONSTRANCES.

By Mr. Wright, the petition of James Horney, administrator of John Myers, deceased, praying for relief;

Which was referred to a select committee of Messrs. Wright, Harris and Hoover.

By Mr. Ewing, the petition of sundry citizens of Allen county, in relation to a state road;

Which was referred to the committee on roads.

Also, the petition of Henry Bowles and others, of Allen county, upon the same subject;

Which was read and referred to the same committee.

By Mr. Bell, the petition of sundry citizens of Madison county; to change a certain state road;

Also, remonstrances upon the same subject;

Which were referred to the committee on roads.

By Mr. Watts, a remonstrance of sundry citizens of Dearborn county, against the passage of a bill providing for the election of a collector of said county;

Which was referred to the committee on corporations.

By Mr. Ewing, the petition of sundry citizens of Allen county, praying for the passage of a law abolishing imprisonment for debt, so far as relates to the Miami tribe of Indians;

Which was referred to the committee on the judiciary.

By Mr. Wright, the petition of S. S. Tipton, to change the names of certain streets in Tipton's addition to the town of Logansport;

Which was referred to a select committee of Messrs. Wright, Ewing, and Harris.

By Mr. Wright, the petitions of sundry citizens of Washington township in Carroll county, praying that said township may be attached to Cass county;

Which was referred to the committee on the judiciary.

Mr. Hargrove made the following report:

Mr. PRESIDENT—

The committee on education, to whom was referred a resolution of the Senate directing an inquiry into certain amendments of the surplus revenue laws, have, according to order, had the same under consideration, and directed me to report a bill in accordance with said resolution, entitled a bill relative to the duty of the agents of the surplus revenue, and for other purposes:

Bill No. 99, relative to the duty of the agents of the surplus revenue, and for other purposes;

Was read the first time and passed to a second reading on to-morrow.

Mr. Chamberlain made the following report:

Mr. PRESIDENT—

The select committee, to whom was referred an engrossed bill of the House for the incorporation of the Bristol Manufacturing Company, have had that subject under consideration, and directed me to report the same back to the Senate and recommend its passage with the following amendment:

Insert in the first line of the 9th section, after the word "right," the words following "of amending or repealing this charter at pleasure and."

The amendment was concurred in and said bill ordered to a third reading on to-morrow.

Mr. Tannehill made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of Chas. Martens and Christiana Caroline Martens have had the same under consideration, and directed me to report the following bill:

Bill No. 100, for the relief of Charles Martens and Christiana Carolina Martens;

Was read the first time and passed to a second reading.

Mr. Thompson made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the House of Representatives No. 132, entitled, a bill to abolish capital punishment; also a resolution of the Senate upon the same subject, having, after bestowing the time and consideration the importance of the subject merited, instructed me to report that radical changes in our penal code should not be made unless there are glaring defects, without the punishment affixed to the crime is not proportionate to the offence, or without the severity of the punishment is such as to harden—render desperate and irreclaimably reckless the offender, or depriving him of time for repentance and reformation by declaring his life forfeited, and with a short respite, taking from him that which God alone can give.

The object of capital punishment, your committee conceive, is twofold: 1st, to punish the criminal for taking the life of a fellow being, which cannot be restored, or which punishment however severe, cannot in the least iota alter or ameliorate the condition of the murdered individual in his or her new mode of existence. As to that all will admit that it is entirely immaterial whether any punishment at all is inflicted. Will it be said that capital punishment will prevent the murderer from committing like offences? This we admit; but will not solitary confinement during life, at hard labor, equally as certain prevent the commission of a like offence with this advantage of affording the blood-stained soul time and opportunity to prepare for that death and judgment that await us all. It should not be said that man originally, in forming their social compact, yielded a portion of their natural rights, to have a guarantee of the enjoyment of the others; that in that compact it was agreed that the murderer should forfeit his life—will any contend in this enlightened age, that an individual can forfeit that which he has not an absolute right to dispose of. If he has no right to commit suicide, (and the Word of God forbids it,) it is because he enjoys it merely as a tenant at the pleasure of his maker, who alone gave it, and alone has a right to take it. And if he has not the right to take his own life, it would be the extreme of folly to say that he had authority to concede that right to others by any social compact. When Cain murdered his brother, the Almighty did not deprive him of life, but permitted him to linger out his miserable

existence. Will, or can, any one deny the correctness of the above conclusions. A different conclusion would be as illogical as unscriptural—consequently to sit in judgment upon and take the life of a fellow being, by a sentence of human law, would be usurping a divine prerogative, which may in the end bring down retributive justice and interminable punishment upon us.

The Author of our existence alone, according to the light of nature and revelation, has the right to inflict endless punishment: and what is capital but endless punishment to every rational being, except those who disbelieve in future existence or rewards and punishments. As far as can be traced back, the origin of capital punishment will not be found in a scriptural or an enlightened age, but in heathenish darkness, in days when the world was groaning under the direful effects of pagan idolatry—when the orders of Providence were reversed, and man worshipped Gods or images of his own creation, or bowed to and adored the sun, moon, or stars, before our benighted race were taught by Divine Revelation that there was a great super-ruling, self-existing cause, who alone is entitled to our adoration. Before it was admitted that man had an immortal, undying spark within, answerable hereafter for the deeds done in the body.

Secondly. The advocates for capital punishment contend that it will deter others from committing murder. Let it be remembered that it is not the severity, but the certainty of punishment that deters the wicked man from crime. He reasons and knows that there are principles implanted in the hearts and consciences of most men which revolt and are shocked at the very idea of condemning or putting to death even a murderer; that owing to this repugnance, often, very often criminals are acquitted who, because juries are predisposed to seek for and find some pretext to entertain a doubt, whereby they may acquit. And thus, frequently the vilest of criminals go unpunished; whereas, if they had the power to save life, but consign to solitary labor during life, would find verdicts of guilt. How often, your committee ask again, under the provisions of the law are blood-stained culprits acquitted and set at liberty; and thus rather encouraged to commit and frequently do commit murder again, and again, concluding, if overtaken and the crime proven, even the chances of escaping condign punishment are in their favor owing to this repugnance in juries to condemn to death. But abolish capital punishment, and then all such offenders almost without an exception, will be sentenced to and undergo solitary confinement at hard labor during life.

We should console ourselves in having done much for our country, if at this session we expunge from our books a law written in letters of blood, and a disgrace to a Christian world. To inflict death by law is not only unwise, impolitic and heathenish, but usurping a divine prerogative in taking that which God alone can give, and ushering a fellow being unprepared, with his soul died in blood and sin, to render an account in the world to come. Would it not be better to have the wretch who thus violates the laws of his maker and his country, confined at hard labor during life in the penitentiary; and if you

choose the nett proceeds of his labor go to the heirs of the murdered individual, and thus give the malefactor time and a chance to prepare for death.

If a man violates the laws of Heaven and earth, shall we add to the catalogue of crimes by murdering him in cold blood? The light of nature and the powers above seem to forbid it—all the best feelings of our nature revolt at it.

Another objection to capital punishment is, that it has not unfrequently happened that men have been condemned and suffered death, who were innocent of the crime for which they were put to death, and their innocence afterwards made fully to appear. But they had suffered on the gallows—the judgment could not be reversed and restore them to life, liberty, and character; whereas, if they had been consigned to solitary labor, they could have restored them to liberty and character, and remunerated them for unjust sufferings.

The foregoing premises considered, your committee have instructed me to report the bill with an amendment, to-wit: in the second section after the words “natural lives,” insert the words “at hard labor;”

To which the concurrence of the Senate is requested.

Mr. Wright moved to indefinitely postpone the bill and amendment, and before the question was taken thereon,

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The subject pending at the last adjournment, was resumed.

The question being on the motion of Mr. Wright to indefinitely postpone bill No. 133, with the amendment of the committee to which it had been referred,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Baird of St. J., Berry, Blair, Carran, Carr, Chamberlain, Collins, Cravens, Dobson, Eggleston, Ewing, Hargrove, Herriott, Hoover, Kinzer, Lowe, McCord, Morgan, Parker, Roberts, Tannehill, and Wright—25.

Those who voted in the negative were,

Messrs. Aker, Beard of M., Bell, Clark, Elliott, Everts, Foster, Hackett, Hanna, Harris, Moffatt, Mount, Nave, Nickel, Riley, Test, Thompson, and Williams—18.

So said bill was indefinitely postponed.

Message from his Excellency the Governor, by Mr. Moore his private Secretary:

MR. PRESIDENT—

I am requested by the Governor to inform the Senate, that on yesterday, he approved and signed

An act to equalize the judicial circuits of the State of Indiana, and for other purposes;

An act to repeal certain acts therein named, so far as they relate to the county of Carroll;

An act to secure to the owners of land upon which the public works have been suspended, the use of the same;

All of which originated in the Senate.

Message from his Excellency the Governor, by Mr. Moore, his Private Secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has on this day approved and signed

An act to authorize the Associate Judges in Ripley county, to hold a probate court;

An act for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana—

Which bills originated in the Senate.

On motion, the Senate adjourned.

TUESDAY MORNING, JANUARY 19, 1841.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Hagar, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has concurred in the first amendment of the Senate to bill of the House

No. 79, to prohibit the making, issuing, or circulating small notes, or bills, but has refused to concur in the second amendment of the Senate thereto.

The House has also passed an engrossed bill thereof, as follows:

No. 208, an act to amend an act entitled “an act to fix the times of holding the courts in the fifth judicial circuit,” approved, Jan. 30, 1840,

In which I am directed to ask the concurrence of the Senate.

Mr. Beard of Montgomery, moved, that the Senate recede from their second amendment to bill No. 79.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird of St. Joseph, Beard of M., Bell, Blair, Carnan, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Morgan, Moffatt, Mount, Riley, Test, and Williams—21.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nave, Nickel, Parker, Roberts, Stafford, Tannehill, Thompson, and Wright—22.

So the Senate refuse to recede.

Mr. Eggleston moved that the Senate insist on their second amendment;

Which motion prevailed.

Mr. Eggleston moved that a committee of free conference be appointed on the amendment;

Which did not prevail.

Bill No. 208, of the message, was read twice and referred to a select committee composed of Senators in the 5th judicial circuit.

Mr. Baird of St. Joseph made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred the petition of Timothy Gridley and Abraham P Penneman, praying for relief to the amount of \$1,008, which has been retained as per centage on their contract upon the 175th section of the Wabash and Erie canal in the county of Carroll, have had that subject under consideration and directed me to report that they can see nothing in this case to give it a distinguishing preference over similar contracts upon the public works. If the provisions of the act of the last General Assembly are to apply to any contracts upon said works, your committee do not believe that the case of said petitioners is a proper exemption from the application of that rule. They therefore think that legislation on said subject would establish a dangerous and ruinous precedent. Your committee on the principles of justice and sound policy, are not willing to allow said petitioners said additional sum of \$1,008; but recommend that legislation thereon is inexpedient, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Baird of St. Joseph, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred an engrossed bill of the House of Representatives, No. 94, entitled a bill to regulate the receipt and disbursement of the Internal Improvement Fund, have had the same under consideration and believe that the passage thereof would be attended with salutary advantages to the public interest. They therefore have directed me to report the same back to the Senate without amendment and recommend its passage.

The report was concurred in and said bill ordered to a third reading on to-morrow.

Mr. Thompson made the following report:

MR. PRESIDENT—

The judiciary committee, to which was referred bill of the House of Representatives, No. 154, entitled a bill providing for the draining swamps, ponds, marshes, bogs, and other low lands in Spencer county, have instructed me to make the following amendments; to which the concurrence of the Senate is requested:

First, Strike out the word "constable" wherever it occurs in said bill and insert "sheriff."

Second amendment, Add to the fourth section the following: "And either the applicant or the person or persons through whose land a ditch or drain or other improvement as above specified shall have the right of peremptory challenge to three of the jurors summoned, and to as many more as he or they can show good cause for objecting to."

The report was concurred in, and said bill considered engrossed, read a third time and passed.

Mr. Thompson moved to reconsider the vote taken on insisting to the second amendment of the Senate to bill 79, in which the House refused to concur;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Blair, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Riley, Stevenson, Test, Thompson and Williams—25.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Cravens, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Nave, Nickel, Parker, Roberts, Stafford, Tannehill and Wright—20.

So said motion prevailed.

Mr. Thompson moved to reconsider the vote taken on receding from the second amendment to bill 79 of the House;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Blair, Carnan Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Riley, Stevenson, Test, Thompson and Williams—23.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Nave, Nickel, Parker, Roberts, Stafford, Tannehill and Wright—22.

So the vote on receding was reconsidered.

The question then was on receding from the above amendment to said bill;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Riley, Stevenson, Test, Thompson and Williams—24.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nave, Nickel, Parker, Roberts, Stafford, Tannehill and Wright—21.

So the Senate receded from their second amendment to bill No. 79 of the House.

Mr. Morgan made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred a bill of the House, No. 97, to incorporate the Maumee and Wabash canal company, have had the same under consideration and directed me to report the same back without amendment and recommend its passage.

The report was concurred in, and said bill ordered to a third reading on to-morrow.

Mr. Collins made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred a petition of sundry citizens of the city of New Albany, praying an amendment of the charter of said city, have, according to order, had the same under consideration and have instructed me to report the following bill in pursuance of the prayer of the petitioners.

Bill No. 101, to amend the act entitled an act to incorporate the city of New Albany and to repeal all laws now in force incorporating the town of New Albany, approved Feb. 14, 1839,

Was read the first time and passed to a second reading.

Mr. Carr made the following report:

MR. PRESIDENT—

The standing committee on corporations to whom was referred a bill of the House of Representatives, No. 133, entitled a bill to authorize William Mumford to build a bridge across the Wabash river, in the county of Wabash, have, according to order, examined said bill and have directed me to report it back to the Senate with one amendment, to-wit: After the word "processions" in the last line of the second section, insert these words, "messengers of this State or the General Government," and with this amendment recommend the passage of the bill.

The report was concurred in, and said bill read the third time, the rule having been suspended, and passed.

Mr. Angle made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred a bill of the Senate, No. 82, entitled, a bill to incorporate the Logansport Trading and Manufacturing Company, have had the same under consideration, and directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in, and said bill read the third time, the rule having been suspended and passed.

Mr. Wright made the following report:

MR. PRESIDENT—

The select committee to whom was referred the memorial of James Horney, for relief, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

Bill No. 102, for the relief of James Horney, administrator of the

estate of John Myers, deceased, was read the first time, and passed to a second reading.

Mr. Wright made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of S. S. Tipton, J. Vigus, and C. Carter, administrators of Jno. Tipton, in reference to correcting the records of Cass county, have had the same under consideration, and directed me to report the following bill and recommend its passage:

Bill No. 103, to authorize the recorder of Cass county to correct his records in a certain case therein named, was read the first time, and passed to a second reading to-morrow.

Mr. Collins moved to suspend the order of business, to take up bill No. 62, suspending the further prosecution of the public works, and for other purposes.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Beard of M., Berry, Blair, Carnan, Carr, Clark, Collins, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Nickel, Riley, Thompson, and Wright—21.

Those who voted in the negative were,

Messrs. Aker, Angle Arion, Baird of St. Jos., Bell, Chamberlain, Cravens, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Nave, Parker, Roberts, Stafford, Stevenson, Tannehill, Test, and Williams—24.

So said bill was not taken from the table.

Mr. Thompson made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the House of Representatives, No. 169, entitled, a bill to legalize the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes, have, after examing its provision, instructed me to report it without amendment, and recommend its passage.

The report was concurred in, and said bill read the third time, the rule having been suspended, and passed.

Mr. Watts made the following report:

MR. PRESIDENT—

The select committee to which was referred bill of the House, No. 181, to re-appropriate certain moneys therein named, have had said

bill under consideration, and have directed me to report the same without amendment, and recommend its passage.

The report was concurred in, and said bill ordered to a third reading.

Mr. Foster, from a select committee, made the following report:

MR. PRESIDENT—

The majority of the committee to whom was referred various petitions and remonstrances on the subject of dividing Kosciusko and Wabash counties, re-locating the county seat of Kosciusko county, and for dividing Elkhart and Kosciusko counties, have had the various subjects referred to them under careful examination, and have directed me to report, that it is inexpedient to legislate on said subject, and therefore ask to be discharged from the further consideration thereof.

Mr. Blair, from the same committee, made the following report:

MR. PRESIDENT—

The minority of the select committee to which was referred sundry petitions and remonstrances on the subject of the formation of a new county out of the counties of Kosciusko and Wabash, also a petition for the re-location of the seat of justice of Kosciusko county, have considered that subject; and it appears to the minority of your committee, that a majority of the citizens of Kosciusko county, are dissatisfied with the present arrangements, in relation to the subject matter of said petitions and remonstrances; and it further appears that from the county of Wabash, there is a very respectable petition in favor of the formation of a new county, against which there is no remonstrance. From those considerations, the minority of your committee have arrived at a very different conclusion from that of the majority, and is of the opinion that it is expedient to legislate on the subject.

Mr. Elliott moved that the petitions upon the subject referred to in the above two reports, be re-committed to a select committee, with instructions to inquire into the expediency of reporting a bill, in accordance with the prayer of the petitioners.

Before the question was taken,

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the subject pending on adjournment.

The question being on re-committing the petitions, with instructions; on the motion of Mr. Elliott,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Armstrong, Bell, Blair, Carnan, Clark, Dobson, Elliott, Everts, Ewing, Hanna, Hargrove, Harris, Hoover, Lowe, McCord, Roberts, Stafford, Tannehill, and Williams—20.

Those who voted in the negative were,

Messrs. Angle, Baird of St. J., Berry, Carr, Collins, Eggleston, Foster, Hackett, Kinzer, Morgan, Mount, Nave, Nickel, Parker, and Riley—15.

So said motion prevailed.

Ordered, That Messrs. Elliott, Carnan, and Collins constitute said committee.

Mr. Williams made the following report:

The joint committee on enrolled bills, report that they have compared the following engrossed bills and joint resolutions of the Senate, with the enrolled, and find the same truly enrolled, to-wit:

No. 40, an act to incorporate the Princeton Musical Institute.

No. 66, a joint resolution in relation to a National bank.

Also, bills and joint resolutions of the House, as follows, to-wit:

No. 36, an act to invest the real estate of Walter Slawter, deceased, in his children, and for other purposes.

No. 69, a joint resolution relative to the sub-treasury bill.

No. 96, an act to vacate a part of the town of Bowling Green, in Clay county.

No. 104, an act to authorize Thomas S. Hinde, to establish a Ferry therein named.

No. 106, an act to authorize Probate Judges to issue writs of habeas corpus, and proceed to trial thereon.

No. 122, a joint resolution relative to the election of President and Vice President of the United States.

No. 145, an act to distribute the school funds, and for other purposes, in Perry county.

No. 147, an act to repeal the one hundred and third section of an act therein named, so far as relates to Perry county.

The following message was received from the House of Representatives, by Mr. Walpole, a member:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills of the Senate, viz:

No. 40, an act to incorporate the Princeton Musical Institute;

No. 66, a joint resolution in relation to a National Bank;

Also, the following enrolled bills of the House of Representatives:

No. 36, an act to invest the real estate of Walter Slawter, deceased, in his children, and for other purposes;

No. 69, a joint resolution relative to the Sub-Treasury bill;

No. 96, an act to vacate a part of the town of Bowling Green, in Clay county;

No. 104, an act to authorize Thomas S. Hinde, to establish a ferry therein named;

No. 106, an act to authorize Probate Judges to issue writs of habeas corpus, and proceed to trial thereon;

No. 122, a joint resolution relative to the election of President and Vice President of the United States;

No. 145, an act to distribute the school funds, and for other purposes, in Perry county;

No. 147, an act to repeal the 103d section of an act therein named, so far as relates to Perry county;

I have been directed to bring the same to the Senate, for the signature of the President thereof.

And the President signed said bills.

Mr. Williams made the following report:

The joint committee on enrolled bills report, that they have presented to his Excellency, the Governor, the following bills and joint resolution of the Senate, for his approval and signature, to wit:

No. 40, an act to incorporate the Princeton Musical Institute;

No. 66, a joint resolution in relation to a National Bank;

Also, bills and joint resolutions of the House, as follows, to wit:

No. 36, an act to invest the real estate of Walter Slawter, deceased, in his children, and for other purposes;

No. 69, a joint resolution relative to the Sub-Treasury bill;

No. 96, an act to vacate a part of the town of Bowling Green, in Clay county;

No. 104, an act to authorize Thomas S. Hinde, to establish a ferry therein named;

No. 106, an act to authorize Probate Judges to issue writs of habeas corpus, and proceed to trial thereon;

No. 122, a joint resolution relative to the election of President and Vice President of the United States;

No. 145, an act to distribute the school funds, and for other purposes, in Perry county;

No. 147, an act to repeal the one hundred and third section of an act therein named, so far as relates to Perry county;

A message from his Excellency, the Governor, by Mr. Moore, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate, that on this day he has approved and signed,

An act to incorporate the Princeton Musical Institute,"

And also a joint resolution entitled,

A joint resolution in relation to a National Bank;

Both of which originated in the Senate.

S 41

Message from the House of Representatives, by Mr. Smydth, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill of the Senate, of the following title:

No. 60, an act to incorporate the Indiana Iron manufacturing company;

On motion of Mr. Dobson, it was

Resolved, That the committee on finance be instructed to report to the Senate, as nearly as they can, the amount of money that will be required to meet the liabilities of the State, due or coming due the present year, which will have to be paid before the revenue to be raised the present year can be collected and paid into the Treasury, setting down each item separately, the time when each was due, or will be due; also report such plan to raise the same as they may think proper.

On motion of Mr. Baird of St. Joseph,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of allowing Justices of the Peace a fee for entering cases upon their docket; also, of allowing them a fee for drawing affidavits in criminal cases, with leave to report by bill or otherwise.

On motion of Mr. Hanna,

Resolved, That the President of the State Bank be requested, to inform the Senate what amount of money has been advanced in any manner whatever to corporations, upon bills, bonds, notes discounted, or otherwise, by the several branches of the State Bank, since the first of October, 1839; and name the corporations, if any, either in or out of this State, which may have had such accommodation, and the condition upon which such accommodation may have been had, as well as the amount severally received by said corporation.

On motion of Mr. Collins,

Resolved, That the committee on the State Bank inquire into the expediency of authorizing the Fund Commissioner of this State, to sell 6 per cent. sterling bonds to the amount of one million of dollars, to be invested by the Directors of the State Bank in stock of the Branches, on condition that said Bank will redeem the Treasury Notes now in circulation, as they become due.

Mr. Wright offered the following resolution:

Resolved, That the committee on canals and internal improvements inquire into the expediency of authorizing the Canal Commissioners, to draw upon the canal interest falling due next fall to complete the Wabash and Erie canal, and the works connected therewith, and protect the same from dilapidation and decay;

Which was not adopted.

Mr. Baird of St. Joseph introduced

Bill, No. 104, to authorize the State Bank of Indiana to issue small bills;

Which was read twice, the rule having been suspended,

Mr. Parker moved to commit said bill to a select committee, with the following instructions:

"To inquire into the expediency of providing for the payment of the debt of the State Bank with six per cent. bonds of the State, and to provide for authorizing the Bank to issue small notes, subject to the control of the Legislature after the 28th day of January, 1844, on condition that the Bank pay the State one and a half per cent. per annum on the average circulation of her small notes in each year."

Mr. Ewing moved the following additional instructions:

"And that the sinking fund be collected and converted into Bank stock, except \$100,000 per annum for the next three years, which shall be annually collected therefrom, and paid into the State Treasury for State purposes."

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Blair and Ewing—2.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Tannehill, Thompson, Williams and Wright—41.

So said instructions were not adopted.

Mr. Moffatt renewed the motion previously made by Mr. Arion and withdrawn, to strike out from the instructions proposed by Mr. Parker, that part relating to the Bank debt.

Before the question was taken,

On motion, the Senate adjourned.

WEDNESDAY MORNING, JANUARY 20, 1841.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Smydth, a member:

Mr. PRESIDENT:

The House has passed an engrossed bill of the Senate, of the following title:

No. 44, to amend an act entitled, an act to provide for Public Printing, and for the distribution of the Laws and Journals, approved February 16, 1839, with one amendment, in which I am directed to ask the concurrence of the Senate.

Mr. Stevenson moved that the Senate concur in the amendment of the House, to bill No. 44, named in the above message.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Carnan, Carr, Collins, Cravens, Chamberlain, Dobson, Eggleston, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Watts, Williams and Wright—40.

Those who voted in the negative were,

Messrs. Arion, Clark, Elliott, Parker, and Test—5.

So said amendment was concurred in.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

Mr. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill thereof, as follows:

No. 209, an act to change the mode of selecting petit Jurors in the counties of Brown, Martin and Owen,

In which the concurrence of the Senate is respectfully requested.

Bill, No. 209, named in the above message,

Was read the first time, and passed to a second reading on tomorrow.

Mr. Arion presented the proposals of Branham & Co. for running the Cars on the Madison and Indianapolis rail road,

Which was referred to a select committee of Messrs. Arion, Tannehill, Collins, Hanna and Test.

Mr. Berry presented the petition of Joseph M. Howe and others, of the town of Bloomington, for the extension of a certain street in said town;

Which was referred to a select committee of Messrs. Berry, Clark and Blair.

Mr. Watts presented a remonstrance from sundry citizens of Dear-

born county, against the appointment of a county Collector for said county;

Which was referred to the committee on corporations.

Mr. Wright presented the petition of sundry citizens of Miami and Wabash counties, praying that an act authorizing Thomas Gody to build a dam across Eel river, may be revised;

Which was referred to a select committee of Messrs. Wright, Angle and Baird of St. Joseph.

Mr. Test presented the petition of David Stivers for relief;

Which was referred to a select committee of Messrs. Test, Foster and Williams.

Mr. Baird, of St. Joseph, made the following report:

The committee on the judiciary to whom was referred a bill of the House of Representatives, No. 146, entitled "an engrossed bill concerning petit jurors," have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Mr. Test moved to indefinitely postpone said bill;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Blair, Carnan, Carr, Chamberlain, Dobson, Eggleston, Ewing, Hanna, Hoover, Kinzer, Morgan, Mount, Nave, Riley, Roberts, Stevenson, Test, Thompson, and Williams—21.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of Mont., Bell, Berry, Clark, Collins, Cravens, Elliott, Everts, Foster, Hackett, Hargrove, Harris, Herriott, Lowe, McCord, Moffatt, Nickel, Parker, Stafford, Tannehill, Watts and Wright—25.

So said motion did not prevail.

Mr. Parker moved to amend said bill by striking out "12" in the first section, and insert "15."

Mr. Eggleston moved to lay said bill upon the table;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Blair, Carnan, Carr, Chamberlain, Dobson, Eggleston, Ewing, Hanna, Hoover, Kinzer, Morgan, Mount, Nave, Riley, Roberts, Stevenson, Test, Thompson and Williams,—21.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Clark, Collins, Cravens, Elliott, Everts, Foster, Hackett, Hargrove, Harris, Herriott, Lowe, McCord, Moffatt, Nickel, Parker, Stafford, Tannehill, Watts, and Wright—26.

So said motion did not prevail.

The question recurring on Mr. Parker's amendment;

Mr. Chamberlain moved to amend the amendment, by striking out "12" and inserting "18."

A division being called for by Mr. Berry,

The question was on striking out;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Armstrong, Baird of St. Joseph, Beard of M., Blair, Carnan, Carr, Chamberlain, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hanna, Hargrove, Harris, Herriott, Kinzer, Morgan, Mount, Nave, Parker, Riley, Roberts, Stevenson, Test, Thompson and Williams—31.

Those who voted in the negative were,

Messrs. Angle, Bell, Berry, Clark, Elliott, Foster, Herriott, Lowe, McCord, Moffatt, Nickel, Stafford, Tannehill, Watts and Wright—15.

So the motion to strike out prevailed.

The question was then taken on filling the blank with "18,"

And decided in the affirmative.

Mr. Test offered the following amendment to said bill; at the end of the first section add—

"*Provided, however,* if the regular pannel of Jurors shall be out, it shall be optionary with a party to pass or not his cause, until the regular pannel of Jurors shall be returned into Court;"

Which was adopted.

On motion of Mr. Tannehill, said bill was laid on the table.

Mr. Wright made the following report:

Mr. PRESIDENT:

The standing committee upon the judiciary to whom was referred an engrossed bill of the House, No. 95, entitled, a bill to provide for the selection of grand and petit Jurors, have had the same under consideration, and directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in, and said bill ordered to a third reading on to-morrow.

Mr. Parker made the followipg report:

Mr. PRESIDENT:

The judiciary committee, to whom was referred bill, No. 90, of the Senate, being a bill to amend "an act relative to crime and punishment, approved February 10, 1831," have, according to order, had

the same under consideration, and have directed me to report the same back with the following amendments, to wit:

Add to the second section these words: "Unless the entry of such judgment may be deemed proper by the Court;" and

Near the close of the 5th section, strike out "twenty-one" and insert "fourteen."

With these amendments, the committee recommend the passage of the bill.

The report was concurred in.

Mr. Eggleston moved to amend said bill, as follows:

SEC. No person who may be particeps criminis in any gaming or wager, shall be compelled to testify in such case;

Which was not agreed to.

Mr. Chamberlain moved to strike out the 4th section;

Which did not prevail.

Mr. Chamberlain moved to amend, by striking out the words "open and notorious," in the 8th section of said bill;

Which did not prevail.

Mr. Test moved to amend said bill as follows:

"And in cases of perjury, it shall only be necessary to set forth in an indictment, the names of the parties to the suit in which the perjury is alledged to have been committed; in what court the party charged was sworn, and by whom; avering such court or officer to have had competent authority, the statements sworn to, together with the proper averments to falsify the matters whereof the perjury or perjuries charged therein may be assigned, without setting forth the bill, answer information, indictment, or any part of the record or proceedings either in law or in equity, and without setting forth the commission or authority of the court or officer, before whom the perjury may be alledged to have been committed;"

Which was agreed to.

Mr. Hanna moved to further amend said bill, by striking out the words "by the proper county" in the 6th section, and to strike out "county" and insert "officer" in the same section;

Which did not prevail.

Mr. Chamberlain moved to amend said bill by striking out the 9th section;

Which did not prevail.

Mr. Chamberlain proposed the following amendment;

Provided, That nothing in this act, nor the act to which this is an amendment, shall be so construed as to authorize an indictment for betting on foot races or target firing;

Which did not prevail.

Mr. Eggleston moved the previous question,

Which being seconded,

And the question being put, shall said bill be ordered to be engrossed?

It was decided in the affirmative; and

On motion of Mr. Nave,

The rule was suspended and said bill read the third time and passed.

A message from the House of Representatives by Mr. Hager, their clerk:

Mr. President—

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the several amendments of the Senate to bills of the House:

No. 133, an act to authorize William Mumford to build a bridge across the Wabash river, in the county of Wabash;

No. 154, an act providing for draining swamps, ponds, marshes, bogs, and other low lands, within the county of Spencer.

The House has also passed an engrossed bill of the Senate, as follows:

No. 36, an act for the relief of John Brookbank, of Carroll county.

Message from the House of Representatives, by Mr. Montgomery, a member:

Mr. President—

The Speaker having signed the following enrolled bills of the House,

No. 69, an act to authorize the building of a bridge across Laughery Creek, in Ripley county;

No. 79, an act to prohibit the making, issuing, or circulating small notes or bills.

Also, the following enrolled bills of the Senate:

No. 31, an act to authorize the Governor of this State to order a special election for Representatives in Congress;

No. 59, an act to repeal part of an act, entitled "an act relative to the New Albany and Vincennes McAdamized road, and for other purposes;

No. 60, an act to incorporate the Indiana Iron manufacturing company;

No. 72, an act to fix the time of holding Probate courts, in Fayette county;

No. 81, an act to regulate the times of holding Courts in the several counties in the 9th judicial circuit.

I have been directed to bring the same to the Senate, for the signature of the President thereof.

And the President signed said bills.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

Mr. President—

I am directed by the House of Representatives, to inform the Se-

nate, that the House has passed the following engrossed bills of the Senate, without amendment:

No. 28, an act to amend an act to incorporate the town of LaPorte, approved Feb. 18, 1839.

No. 34, an act to amend an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838.

Mr. Williams made the following report:

The joint committee on enrolled bills report, that they have compared the following enrolled bills of the Senate with the engrossed, and find the same truly enrolled, to-wit:

No. 31, an act to authorize the Governor of this State to order a special election for Representatives of Congress.

No. 59, an act to repeal part of an act entitled, an act relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes, approved February 22, 1840.

No. 72, an act to fix the time of holding probate courts in Fayette county.

No. 81, an act to regulate the times of holding courts in the several counties in the 9th judicial circuit.

No. 60, an act to incorporate the Indiana Iron Manufacturing Company.

Also, bills of the House, as follows, to-wit:

No. 69, an act to authorize the building of a bridge across Laughery creek, in Ripley county.

No. 79, an act to prohibit the making, issuing, and circulating of small notes or bills.

Mr. Williams made the following report:

The joint committee on enrolled bills report, that they have presented to his Excellency the Governor, for his approval and signature, bills of the Senate, as follows, to-wit:

No. 31, an act to authorize the Governor of this State to order a special election for Representatives of Congress.

No. 59, an act to repeal part of an act entitled, an act relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes, approved Feb. 22, 1840.

No. 72, an act to fix the time of holding probate courts in Fayette county.

No. 81, an act to regulate the times of holding courts in the several counties in the 9th judicial circuit.

No. 60, an act to incorporate the Indiana Iron Manufacturing Company.

Also bills of the House, as follows, to-wit:

No. 69, an act to authorize the building of a bridge across Laughery creek, in Ripley county.

No. 79, an act to prohibit the making, issuing, and circulating of small notes or bills.

A message from his Excellency the Governor, by Mr. Moore, his private Secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate, that on this day he has approved and signed,

An act to repeal part of an act entitled, an act relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes, approved Feb. 22, 1840.

An act to authorize the Governor of this State to order a special election for Representatives in Congress.

An act to fix the time of holding probate courts in Fayette county.

An act to incorporate the Indiana Iron Manufacturing Company.

An act to regulate the times of holding courts in the several counties in the 9th judicial circuit. All of which originated in the Senate.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Collins made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred bill of the House of Representatives, No. 184, entitled, a bill to amend an act entitled, an act subjecting real and personal estate to execution, approved Feb. 4, 1831, have had the same under consideration—have made three amendments thereto, and have directed me to report the same back to the Senate, to ask the concurrence of the Senate in said amendments, and recommend the passage of the bill so amended.

The report was concurred in, and said bill ordered to a third reading.

Mr. Stafford made the following report:

MR. PRESIDENT—

The committee on roads to which was referred a resolution of the Senate, directing them to inquire into the expediency of amending the second section of an act relative to roads and highways, approved Feb. 24th 1840, have directed me to report that they believe it to be inexpedient to legislate further on said subject.

On motion of Mr. Herriott,

The resolution referred to in the above report was re-committed to a select committee of Messrs. Herriott, Beard of M. and Foster.

Mr. Stafford made the following report:

MR. PRESIDENT—

The committee on roads to whom was referred a resolution of the Senate directing them to inquire into the expediency of amending

the road laws, so that it shall be the duty of the several boards doing county business to appoint supervisors for their several road districts in their counties at the January term of their courts, have directed me to report that they believe it to be inexpedient to legislate on said subject.

The report was concurred in.

Mr. Stafford made the following report:

MR. PRESIDENT—

The committee on roads to whom was referred a resolution of the Senate, directing them to inquire into the expediency of so amending the general road law, as to require the boards doing county business in the several counties in this State, to appoint in each township a general superintendant of roads therein, whose duty it shall be to settle with the several supervisors in such township annually, and return to the circuit court, all such supervisors as may be delinquents in the discharge of their duties, in neglecting to call out the hands and apply the requisite quantity of labor to the several roads in their respective districts: Or the money that may come into their hands for road purpose—or who may fail to prosecute delinquent hands, and for any other neglect of duty, have directed me to report that its inexpedient to legislate on that subject.

The report was concurred in.

Mr. Baird of St. Joseph, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the Senate, entitled, a bill for the sale and transfer of lands reserved for canal purposes, have had the same under consideration, and directed me to report, that at this time of great embarrassment and scarcity of money, it would be impolitic to authorize the sale of said lands. They have, therefore, directed that legislation at this time on said subject is inexpedient, and recommend the indefinite postponement of said bill.

The report was concurred in, and said bill indefinitely postponed.

On motion of Mr. Baird of St. Joseph,

The committee on canals and internal improvements were discharged from the further consideration of the petition of A. Hendricks and son, and,

On motion of Mr. Arion,

Said petition was referred to a select committee of Messrs. Hanna, Morgan, and Moffatt.

The President laid before the Senate the following communication from the State Board of Internal Improvement.

INDIANAPOLIS, JANUARY 19, 1841.

HON. SAMUEL HALL,

President of the Senate:

Sir—I enclose a report to the Senate, in answer to a resolution of that body, of the 14th inst.

N. NOBLE.

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
Indianapolis, January 19, 1841.

HON. SAMUEL HALL,

President of the Senate:

In answer to the resolution of the Senate, of the 14th inst. instructing them to report to the Senate, "the counties in this State that are directly interested in any one of the public works, the completion of which is contemplated by the act of 1836, designating in classes the counties that are so interested in each work, and so classifying the counties, that every county in the State shall be attached to some one work, or two works in case two works pass through the same county." The Board submit the following statement, in which the several counties in the State are arranged under the particular work or works with which they are supposed to be identified, in respect to their commercial interests, some more closely and others only in a remote degree.

WABASH CANAL FROM TERRE HAUTE TO TIPPECANOE.

Vigo,	Parke,	Vermillion,
Fountain,	Warren,	Clinton.
Tippecanoe,		

CROSS CUT CANAL.

Vigo,	Clay,	Greene.
-------	-------	---------

WHITE WATER CANAL.

Dearborn,	Franklin,	Fayette,
Rush,	Union,	Wayne,
Henry,	Randolph,	Delaware.
Decatur,	Hancock,	

CENTRAL CANAL FROM INDIANAPOLIS TO EVANSVILLE.

Vanderburgh,	Warrick,	Gibson,
Pike,	Knox,	Daviess,
Greene,	Owen,	Morgan,
Johnson,	Marion,	Spencer.
Perry,		

CENTRAL CANAL NORTH OF INDIANAPOLIS.

Marion,	Boone,	Hamilton,
Madison,	Delaware,	Grant,
Wabash,	Miami,	Hendricks.
Morgan,	Hancock,	

ERIE AND MICHIGAN CANAL.

Lake,	Porter,	Starke,
Laporte,	St. Joseph,	Elkhart,
Lagrange,	Noble,	Steuben.
Allen,		

MADISON AND INDIANAPOLIS ROAD.

Jefferson,	Jennings,	Ripley,
Switzerland,	Jackson,	Johnson,
Brown,	Bartholomew,	Boone,
Marion,	Shelby,	Hancock,
Hamilton,	Madison,	Morgan,
Hendricks,	Putnam,	Montgomery.

INDIANAPOLIS AND LAFAYETTE ROAD.

Marion,	Hendricks,	Boone.
Montgomery,	Tippecanoe,	

NEW ALBANY AND VINCENNES ROAD.

Floyd,	Harrison,	Washington,
Orange,	Crawford,	Knox.
Daviess,	Martin,	

JEFFERSONVILLE AND CRAWFORDSVILLE ROAD.

Clark,	Floyd,	Washington,
Scott,	Jackson,	Lawrence,
Owen,	Monroe,	Putnam.
Montgomery,		

CONNECTION BETWEEN WHITE WATER AND CENTRAL CANALS.

Wayne,	Henry,	Delaware.
Madison,		

WABASH AND ERIE CANAL.

Carroll,	Tippecanoe,	White,
Cass,	Pulaski,	Fulton,
Marshall,	Miami,	Wabash,
Kosciusko,	Huntington,	Whitley,
Wells,	Adams,	Allen,
Jay,	DeKalb,	Parke,
Jasper,	Clinton,	Warren,
Vermillion,	Fountain,	Boone,
Newton,	Vigo,	Montgomery.
Putnam,	Grant,	

IMPROVEMENT OF WABASH RAPIDS.

Posey,	Gibson,	Knox,
Sullivan,	Vigo,	Parke,
Vermillion,	Fountain,	Warren,
Tippecanoe,	Carroll,	Cass.
Miami,	White,	

In the foregoing classification, each county in the state has been affixed to some one of the works, agreeably to the requirement of the resolution. The Board would, however, state that in their judgment, several counties, particularly on and near the Ohio river, are so situated as to have no direct interest in any one of the works. It is only in so far as the completion of the works would promote the general wealth, prosperity and honor of the whole state, that these remote counties, with the natural navigation furnished by the Ohio, can be said to be interested in the improvements.

Respectfully submitted,
N. NOBLE.

Mr. Parker moved to lay said report on the table and 500 copies be printed.

A division of the question being called for;

The question was taken on laying on the table, and decided in the affirmative.

The question then being on printing 500 copies.

A division was called for;

And the question being on printing;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. J., Carnan, Chamberlain, Everts, Ewing, Foster, Hanna, Herriott, Moffatt, Mount, Nave, Parker, Tannehill and Williams—15.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Beard of M., Bell, Berry, Blair, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Morgan, Nickel, Riley, Roberts, Stafford, Stevenson, Test, Thompson, Watts and Wright—30.

So the motion to print did not prevail.

The President laid before the Senate the following communication from the Secretary of State:

Which was read and laid on the table:

DEPARTMENT OF STATE,
Indianapolis, Jan. 20, 1841. }

HON. SAMUEL HALL,
President of the Senate:

Sir: Enclosed I have the honor to transmit to you, to be laid before the Senate, copies of sundry communications this morning received, from our Finance Commissioner, now in the city of New York.

I am, very respectfully,
Your obedient servant,
WM. SHEETS.

NEW YORK, January 5, 1841.

WILLIAM J. BROWN, Esq.,
Secretary of State for the State of Indiana:

Sir: Your favor enclosing a joint resolution of the State of Indiana with reference to the contract for Iron, with the Morris Canal and Banking Company was received by me on the 30th ultimo, and the resolution endorsed transmitted on the same day to Edward R. Biddle, Esq., President of that institution.

Mr. Biddle's answer, together with a correspondence had between him and myself prior to the reception of your enclosure, accompanies this communication, all of which I hope you will lay before the Legislature now in session. The order for the rail road iron was arrested by Mr. Biddle only a few hours before the departure of the mail for Boston. But his arrangement with the Messrs. Davis, Brooks and Co. cannot be receded from without much inconvenience to the institution over which he presides, and some discredit to myself personally. But we will endeavor to carry out the final wishes of the Legislature on this subject.

I am, sir, very respectfully,
MILTON STAPP, F. C.

Extract from letter of Milton Stapp, Esq. to E. R. Biddle, Esq. dated

INDIANAPOLIS, NOV. 14, 1840.

I enclose you herewith a pattern for our rail, full size on the paper, its length is put down at 18 feet 9 inches. It may be made longer if it suits the manufacturer better, but must not be shorter. I hope sir, that you will succeed in having this iron delivered in time. Have it delivered at New Orleans, and if there is any loss to you in this change, the state will pay it.

I shall be in New York early in December and hope to see you then.

Very respectfully,
MILTON STAPP.

MORRIS CANAL AND BANKING COMPANY, }
Jersey City, Dec. 24, 1840. }

MILTON STAPP, Esq.,
Fund Commissioner:

Sir: The Steam Packet Acadia, sails from Boston to Europe on the second day of January next, and if it is important to have your Rail Road Iron by the 1st day of May next, it is desirable that the order should go out for it by this Packet.

Shall we close our contract with Messrs. Davis, Brooks & Co. so as to avail ourselves of this opportunity to order the iron? If so, it will be necessary for you to see them, as we wish the contract for the delivery of the iron to be direct from them to you. It is understood that you are to transfer to Messrs. Davis, Brooks & Co. our contracts, for the delivery of the Iron on the 1st of May next, with the collateral security given to you by us, and we are to put in such other collaterals as will make them secure.

I remain, very respectfully,
Your most obed't servant,
E. R. BIDDLE, Pres't.

NEW YORK, Dec. 26, 1840.

E. R. BIDDLE, Esq., *President:*

Sir: Your favor of the 24th is before me, and I can see no objection to the course proposed by you in reference to the purchase of the Rail Road Iron. There is nothing said either in the papers at Indianapolis, or letters from the Legislature indicating an action of

the Legislature with regard to the notice to be given. And as it is important that we should have the iron by the time it is due, I think it best to close the contract and send the order out by the Acadia. Please to call at my room on Monday morning before 10 o'clock, and I will accompany you to the Messrs. Davis, Brooks & Co.

Very respectfully,
MILTON STAPP.

JANUARY 12, 1841.

W. J. BROWN, Esq.:

Sir: I have waited day after day since the 5th of this month for Mr. Biddle to furnish me copies of my letters with regard to this iron. He on yesterday promised me faithfully to furnish me a copy of one in answer to his of the 24th Deaember, but he has not yet furnished it. The foregoing is the substance of that letter so far as I can recollect.

Very respectfully,
MILTON STAPP.

(COPY.)

NEW YORK, Dec. 30, 1840.

EDWARD R. BIDDLE, Esq.,
President, &c.:

Sir: I have the honor to enclose to you a joint resolution of the Legislature of Indiana, giving notice to your Institution, that they decline receiving the *rail road* iron on our contract of October last. I hope that our transactions with Messrs. Davis, Brooks & Co. can be so arranged as not to interfere with the expressed wishes of this body.

Will you have the goodness to take the earliest opportunity of calling on Messrs. Davis, Brooks & Co. and if possible arrest the order for the iron at least until we can have a further interview with that house.

I am, sir, very respectfully,
Your obedient servant,
MILTON STAPP.

MORRIS CANAL AND BANKING COMPANY, }
Jersey City, Dec. 31, 1840. }

MILTON STAPP, Esq.,
Fund Commissioner:

Sir: Your favor of the 30th instant enclosing certain resolutions of the Indiana Legislature, was received this morning, and I exceedingly regret the course your Legislature has thought proper to take in this matter. From the representation made by you of the situation of your Road, the receipt from your Engineer of a pattern for the Rail, and your own views in relation to the matter, all tended to induce me to look to the course I had pursued as that which it would be the interest of your State to adopt; and although it may be in my power to rescind the arrangement made with Messrs. Davis, Brooks & Co. thus far, yet it will be very inconvenient for me to do so. I will however see Mr. Davis to-day, and if the order for the Iron has not already been sent to Boston, to be in time for the sailing of the steam ship — on the 2d, I will arrest it for the present, with full confidence however that your state will yet find it to be her interest to permit the arrangement entered into to progress agreeably to our understanding.

With great respect,

I am, dear sir,

Your most ob't serv't,

E. R. BIDDLE, Pres't.

A message from the House of Representatives, by a member:

MR. PRESIDENT—

I am directed to inform the Senate that the House of Representatives has passed an engrossed bill thereof, No. 193, entitled a bill to provide for the completion of that portion of the Cross-cut canal which lies between Terre Haute and the Feeder Dam in Clay county;

In which the concurrence of the Senate is respectfully requested. Bill No. 193, named in the above message, was read the first time and passed to a second reading.

Mr Berry, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of Joseph M. Howe and other citizens of the town of Bloomington, for an extension of a certain street, designated in said petition, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage.

Bill No. 105, to extend a certain street in the town of Bloomington, and for other purposes,

Was read the first, second and third times, the rule having been suspended, and passed.

Mr. Wright made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of George W. Ewing and others, praying for the repeal of a certain act repealing an act authorizing Thomas Goudy to erect a dam across Eel river and for other purposes, have had the same under consideration and directed me to report the following bill and recommend its passage.

Bill No. 106, to revive an act to authorize Thomas Goudy to build a dam across Eel river in Wabash county, and repeal an act repealing the same,

Was read the first time, and,

On motion of Mr. Wright, the rule was suspended, and said bill read the second and third times and passed.

Mr. Foster made the following report:

MR. PRESIDENT—

The select committee to whom was referred a petition of David Stiver, have had the same under consideration, and directed me to report a bill,

No. 107, for the relief of David Stiver,

Which was twice read, the rule having been suspended, and laid on the table.

Mr. Aker made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition from William Gilbert and others of Delaware county, praying a change in the location of a state road in said county, have had the same under consideration, and have instructed me to report a bill in accordance with the prayer of said petitioners and recommend its passage.

Bill No. 108, to re-locate a certain state road therein named,

Was read the first time and passed to a second reading on to-morrow.

Mr. Hargrove made the following report:

MR. PRESIDENT—

The select committee to whom was referred an engrossed bill of the House, No. 185, entitled a bill declaring Patoka a public highway, and for other purposes, have had the same under consideration

and have directed me to report the same back to the Senate without amendment.

The report was concurred in, and said bill read a third time and passed.

Mr. Hanna made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Nancy Day, praying to be divorced from her husband Lewis Day, have had that subject under consideration, and directed me to report the following bill:

No. 109, divorcing the matrimonial contract between Nancy Day and Lewis Day her husband,

Was read the first time and passed to a second reading on to-morrow.

Mr. Cravens, from the select committee on modification, made the following report:

MR. PRESIDENT:

The select committee on the subject of modification, to whom was recommitted a bill of the Senate, No. 55, entitled a bill to modify the system of Internal Improvements, have had the same under consideration, but in consequence of the reference being made without instructions of any kind, other than such as they have been enabled to gather from debates in Senate relative to this perplexing subject, your committee have been *again* under the necessity of laboring in the dark, they have however come to the conclusion that it was expected of them by the Senate to present this subject in some other shape than the one in which it was originally reported by them, so at it they went, and here it is again, in a new dress, whether more comely or not remains to be seen.

A majority of your committee have agreed to the following amendments, viz:

1st. In the 5th line of the 1st section, strike out "National Road shall constitute the first class" and insert "Laurel feeder dam."

2d. Strike out "Indianapolis" where it occurs the second time in the 7th line and insert "Edinburgh."

3d. In the 8th line, strike out the word "second" and insert "first."

4th. After the word "class" in the same line, insert "that portion of the Central canal lying north of the *Bluffs*, the New Albany and Vincennes Road, the Cross-cut canal, that portion of the Madison and Indianapolis Rail Road lying between Edinburgh and Indianapolis, and that portion of the White Water canal lying north of the Laurel feeder dam, shall constitute the second class."

5th. Add to the word "work" in the 2d line of 2d section the letter "s," and add to the end of the 2d section the following proviso:

"*Provided further*, That no money of the state shall hereafter be expended on that part of the Madison and Indianapolis Rail Road which lies between the depot on the river hill and the city of Madison."

6th. Strike out the whole of the 3d section except the proviso, and insert the following, viz:

"The Fund Commissioners are hereby authorized and directed to sell for the best price that can be had in cash, the first instalment of \$100,000 due in iron from the Morris Canal and Banking Company, the proceeds of which sale shall be applied by the superintendent of the public works to the contracts already made on the White Water canal, between Brookville and the Laurel feeder dam: *Provided*, That said contractors will first agree in writing to take six per cent. state bonds redeemable in five years, for the balance that may be due them on their contracts respectively, when the same shall be completed. And said Fund Commissioners are hereby also directed to take the second instalment of \$100,000 due from said Morris Canal and Banking Company in Rail Road iron, which is hereby appropriated to the use of the Madison and Indianapolis Rail Road."

7th. Strike out all after the word "dilapidation" in the 4th line of the 12th section and insert the following 9 sections:

Sec. 13. It shall be lawful for any individual or individuals, corporation or corporations, (the State Bank of Indiana excepted) to advance to the State of Indiana the amount of money required to complete any of the public works of this State, (except those named as the first class,) such persons or corporations designating the work or part of work on which the money so advanced shall be expended.

Sec. 14. That when the Chief Engineer shall have been informed of the subscription of an amount sufficient to complete any portion of such work (named as the second and third classes) which said Engineer may deem of sufficient consequence to justify the attention of the State, it shall be his duty to put under contract such work or part of work and to furnish the necessary officers to superintend the same.

Sec. 15. That when said money is so subscribed, before putting said work or part of work under contract, the said Engineer shall require one fourth of said money to be paid into the Branch of the State Bank of Indiana nearest to the proposed work to the credit of the Treasurer of State, and the remainder thereof to be secured by well endorsed negotiable paper, payable at such Branch Bank to the order of the Treasurer of State, at such time or times as may be designated by said Engineer.

Sec. 16. If the work or works selected by such person or corporation advancing said money, be a turnpike road, then such person or persons (with the consent of said Engineer) shall have the right to determine whether the same shall be completed as a McAdamized or clay turnpike, or with a track of each.

Sec. 17. So soon as such work or portion of work shall be prepared therefor, the said Engineer shall cause toll gates and houses to be erected out of the funds of such persons or corporations, and shall

from time to time fix the rate of toll until the same be established by law. Said Engineer shall employ toll gatherers and require bond and security of them in such sum as may be deemed proper by said Engineer, and he shall exercise a general supervisory control over such toll gatherers and make full reports of the amount of tolls received to the Legislature at the commencement of each session thereof.

Sec. 18. The tolls received on each work are hereby appropriated, first to the necessary repairs and incidental expenses of said work to be applied under the direction of said Engineer, and on the residue thereof semi-annual dividends shall be made by said Engineer to the State and to the individuals or corporations advancing money as aforesaid for the completion of said work or part of work according to the length of line completed by the parties respectively. The payments of said dividends to the State shall be made by said Engineer in the Branch of the State Bank of Indiana at Indianapolis to the credit of the Treasurer of State, who is hereby authorized and required to check for the same to meet the appropriations made by law: *Provided*, That the state reserves to herself the right of purchasing the interest of such person or persons, corporation or corporations, at any time after five years from the passage of this act, by paying to such person or persons the amount of money advanced, with six per centum interest per annum thereon from the date of such advancement or advancements.

Sec. 19. Whenever any of said roads or parts thereof shall be out of repair, so as to make the reception of the tolls unjust, the said engineer shall cause one or more gates to be thrown upon so as to make the tolls equitable until the road shall have been put in repair.

Sec. 20. The advances made under the 6th section of this act shall be holden as security for the instalments remaining unpaid, and the amount paid in shall be forfeited to the State on failure to pay the instalments secured under the provisions of this act. The persons or corporations advancing money under the provisions of this act may transfer the same on the books of the said Engineer, their interest in the works with the consent of the Engineer.

Sec. 21. That the provisions of this act shall not extend to the Wabash and Erie Canal, between the mouth of Tippecanoe river and Terre Haute. *Provided*, Congress shall confirm the title to the lands claimed by the State of Indiana for the construction of said Canal. *Provided, further*, That nothing in this act contained shall be so construed as to prevent the expenditure of any unexpended appropriation heretofore made for the purpose of removing the obstructions in the Rapids of the Wabash River, according to the true intent and meaning of the act of 1836, and of the additional appropriation for said river.

From Brookville to Laurel feeder dam, there has been \$202,691 99 of work done. Necessary to complete the canal to said feeder dam, \$113,126 55; to which add expense of superintendence \$11,312, making to be expended to that point, the sum of \$124,549 00. Yet the contractors not having suspended, as required by law, are unpaid, so

that the sum of \$315,818 54 will be necessary to be paid to complete said work to said feeder dam.

From Vernon to Edinburgh, a distance of 32.91-00 miles, requires for grading, &c., the sum of \$336,051, and is now all under contract. And work to the amount of \$176,931 has been done, and work yet to be done \$159,119 97. Of the work under contract there is \$187,452 97 yet to be paid for, to complete the grading, &c. to Edinburgh, the whole of which is provided for by the appropriation heretofore made.

In which amendments, I am directed to ask the concurrence of the Senate.

Mr. Eggleston moved to lay said bill and amendment on the table. The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of Montgomery, Blair, Carnan, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Foster, Hackett, Hargrove, Hoover, Kinzer, McCord, Parker, Riley, Roberts and Thompson—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Bell, Carr, Cravens, Elliott, Hanna, Harris, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Stafford, Stevenson, Tannehill, Test, Watts, Williams and Wright—24.

So said motion did not prevail.

Mr. Chamberlain moved to amend the amendment of the committee, as follows:

Strike out and insert the following where the bill provides for classification:

The works first to be prosecuted, under the provisions of this act shall be the Madison and Indianapolis Rail Road from Madison to Edinburgh, and the Erie and Michigan Canal from Fort Wayne to and including the Summit Level and Feeders in Noble county, White Water Canal from Lawrenceburgh to Connersville.

The works secondly to be prosecuted under the provisions of this act, shall be the completion of the Madison and Indianapolis Rail Road and the northern division of the Central Canal and the White Water Canal.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of Montgomery, Bell, Chamberlain, Clark, Eggleston, Everts, Ewing, Foster, Hackett, Harris, and McCord—11.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Berry, Blair, Carnan, Carr, Collins, Cravens, Dobson, Elliott, Hanna, Herriott, Hoover, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams and Wright—31.

So said amendment was not agreed to.

The question was then put on the first amendment in the report;
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Bell, Berry, Blair, Carnan, Carr, Collins, Cravens, Eggleston, Elliott, Everts, Hackett, Hanna, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams, and Wright—36.

Those who voted in the negative were,

Messrs. Baird of St. Joseph, Beard of Montgomery, Chamberlain, Clark, Dobson, Ewing, and Foster—7.

So said amendment was agreed to.

The question was taken on agreeing to the second amendment, and decided in the affirmative.

The question then being on concurring in the third amendment,
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Beard of Montgomery, Bell, Berry, Blair, Carnan, Carr, Collins, Cravens, Elliott, Everts, Foster, Hanna, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams and Wright—37.

Those who voted in the negative were,

Messrs. Baird of St. Joseph, Chamberlain, Clark, Dobson, Eggleston, Ewing, and Hackett—7.

So the third amendment was concurred in.

The question was then put on concurring in the fourth amendment.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Bell, Blair, Carnan, Carr, Cravens, Dobson, Elliott, Hanna, Herriott, Hoover, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Tannehill, Test, Watts, and Williams—25.

Those who voted in the negative were,

Messrs. Baird of St. J., Beard of M., Berry, Chamberlain, Clark, Collins, Eggleston, Everts, Ewing, Foster, Hackett, Hargrove, Harris, McCord, Riley, Roberts, Stevenson, Stafford, Thompson and Wright—18.

So the fourth amendment was concurred in.

The question was then put on the fifth amendment.
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Beard of M. Bell, Blair, Carnan, Carr, Cravens, Elliott, Hanna, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Stafford, Stevenson, Tannehill, Test, Thompson, Watts and Williams—27.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Riley, and Wright—17.

So the fifth amendment was agreed to.

Mr. Dobson moved to concur in the 6th amendment, with an amendment by striking out after the word applied, and insert, to pay the interest on state bonds hertofore sold for internal improvement purposes, which will fall due in July next, and also to redeem the bonds hypothecated by our Fund Commissioners for the purpose of raising money to meet the payment that fell due the first of the present month.

Mr. Baird of St. Joseph moved that the Senate adjourn,
Which did not prevail.

The question was then taken on the amendment proposed by Mr. Dobson.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Berry, Blair, Chamberlain, Clark, Dobson, Eggleston, Hackett, Hargrove, Harris, McCord, Roberts, Stevenson, Thompson, Watts, and Wright—15.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Carnan, Carr, Collins, Cravens, Elliott, Everts, Ewing, Foster, Hanna, Herriott, Hoover, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Stafford, Tannehill, Test, and Williams—30.

So said amendment was not agreed to.

The question was then put on adopting the sixth amendment.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Bell, Blair, Carnan, Carr, Collins, Cravens, Elliott, Everts, Hanna, Herriott, Hoover, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Stafford, Tannehill, Test, and Williams—27.

Those who voted in the negative were,

Messrs. Baird of St. Joseph, Beard of Montgomery, Berry, Chamberlain, Clark, Dobson, Eggleston, Ewing, Foster, Hackett, Hargrove, Harris, McCord, Stevenson, Thompson, Watts, and Wright—17.

So the sixth amendment was concurred in.

On motion, the Senate adjourned.

THURSDAY MORNING, JAN. 21, 1841.

Senate assembled.

Mr. Wright, leave being granted, introduced bill, No. 110, to amend an act entitled, "an act to regulate the mode of doing county business in theseveral counties in this State;"

Which was read three several times, the rule having been suspended, and passed.

Mr. Chamberlain presented several remonstrances against the union of the counties of Noble and Lagrange;

Which were referred to the same select committee to which petitions and remonstrances upon the same subject had previously been referred.

Mr. Lowe, leave being granted, introduced bill, No. 111, to prevent frauds in elections;

Which was read twice, the rule having been suspended, and referred to the committee on elections.

Mr. Parker made the following report:

MR. PRESIDENT:

The standing committee on finance, to whom was referred sundry matters in reference to the several funds of this State, have had that matter under consideration, and have directed me to report the following

Bill, No. 112, for the creation of additional State Bank stock, and for giving further time to the borrowers of State funds;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Eggleston, from the committee on corporations, to which bill, No. 90, to amend an act to authorize Daniel I. and Isaac Hancock, to build a toll bridge across South Hogan, reported the same back without amendment, and recommended its passage;

Which was concurred in, and said bill read the third time and passed.

The report of the select committee on Modification, made on yesterday, came up in order;

And the question being on concurring in the 7th amendment to the bill, No. 55;

On motion of Mr. Bell,

The further consideration of the report and amendment was postponed till 2 o'clock.

Mr. Morgan, leave being granted, introduced bill, No. 113, to amend an act attaching Decatur county to the 6th judicial circuit, and for other purposes, approved Feb. 13th, 1840;

Which was read the first time, and passed to a second reading on to-morrow.

Bill, No. 104, to authorize the State Bank of Indiana to issue small bills, came up in order;

The question being on the motion of Mr. Moffatt, to strike from the instructions proposed by Mr. Parker to the committee of reference, that part relating to the Bank debt;

Before any decision was had thereon,

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the subject pending at the adjournment.

The question being on the motion of Mr. Moffatt to amend the instructions proposed by Mr. Parker,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of M., Berry, Blair, Carnan, Carr, Chamberlain, Collins, Dobson, Everts, Foster, Hackett, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Nickel, Roberts, Tannehill, Test, Williams and Wright—28.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Bell, Clark, Eggleston, Elliott, Ewing, Hanna, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Thompson and Watts—16.

So said motion prevailed.

The question was then taken on committing said bill, with the instructions as amended,

And decided in the negative.

Mr. Parker moved to indefinitely postpone said bill;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Berry, Carnan, Carr, Chamberlain, Clark, Dobson, Eggleston, Elliott, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Mount, Nave, Nickel, Parker, Roberts, Tannehill and Thompson—25.

Those who voted in the negative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of Mont., Bell, Blair, Collins, Everts, Hanna, Herriott, Hoover, Moffatt, Morgan, Riley, Stafford, Stevenson, Test, Watts, Williams and Wright—20.

So said bill was indefinitely postponed.

The following message was received from the House of Representatives by Mr. Walpole, a member:

Mr. PRESIDENT:

The House of Representatives have adopted the following resolution:

Resolved, That the House will, the Senate concurring therein, proceed to the election of State Printer on to-morrow, at 2 o'clock, P. M., by joint ballot,

And directed me to inform the Senate thereof, and respectfully ask their concurrence therein.

The above resolution of the House was concurred in, and Messrs. Armstrong and Berry appointed Tellers on the part of the Senate

Ordered, That the Secretary inform the House thereof.

The President laid before the Senate the following communication:

SECRETARY OF STATE'S OFFICE, }
January 21st, 1841. }

HON. SAMUEL HALL,
President of the Senate:

Sir: I, this morning, received a communication from Gen. Stapp, of which the enclosed is a copy; please lay the same before the Senate. I am, sir, very respectfully,

Your obedient servant,

WM. SHEETS.

New York, December 26, 1840.

E. R. BIDDLE, Esq.
President:

Sir: Yours of the 24th was received yesterday. I can see no objection to the plan proposed by you. I have no letter or paper before me which gives any indication that you will receive the notice referred to in our contract and understanding.

If it is the will of the Legislature, that we receive the rail road iron, it is certainly very important to the State to have it delivered by the 1st of May, and if it is not their will that we receive this kind of iron, I surely would have received some instruction of it by this time. Please call at my room on Monday morning before 10 o'clock, and I will accompany you to the House named in your favor.

Very respectfully,

MILTON STAPP.

JANUARY 13, 1841.

W. J. BROWN, Esq.

Dear Sir—I this morning received the copy spoken of in my letter of yesterday, and send it to you forthwith. Send this to the Legislature instead of the one I sent yesterday. Let them know the reason why I did not write sooner.

STAPP.

Mr. Williams made the following report:

The joint committee on enrolled bills report, that they have compared the following engrossed with the enrolled bills of the Senate, and find the same truly enrolled, to wit:

No. 36, an act for the relief of John Brookbank of Carroll county;

No. 44, an act to amend an act entitled, an act to provide for public printing, and for the distribution of the Laws and Journals, approved, February 16, 1839.

They also report, that they have presented to his Excellency the Governor, for his approval and signature, the bills

No. 36, and No. 44, of the Senate, the titles of which are given above.

The following message was received from the House of Representatives, by Mr. Butler, a member:

Mr. PRESIDENT—

The Speaker having signed the following enrolled bills of the Senate:
No. 44, an act to amend an act entitled "an act to provide for public printing, and for the distribution of the Laws and Journals," approved, February 16, 1839,

No. 36, an act for the relief of John Brookbank, of Carroll county.
I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

The following message was received from the Governor, by Mr. Moore, his Private Secretary:

Mr. PRESIDENT:

I am directed by the Governor to inform the Senate that on this day he has approved and signed

An act for the relief of John Brookbank of Carroll county;

An act to amend an act entitled, an act to provide for public printing, and for the distribution of the Laws and Journals, approved, February 16, 1839;

Both of which originated in the Senate.

Mr. Clark, leave being granted, introduced bill No. 114, supplementary to an act relative to crime and punishment, approved, February 10, 1831;

Which was read the first time and passed to a second reading to-morrow.

Mr. Ewing, leave being granted, introduced bill No. 115, for the relief of Ann Gertrude Brick, and Adam and Maurice Brick;

Which was read the first time and passed to a second to-morrow.

ORDERS OF THE DAY.

No. 72, a joint resolution of the Senate in relation to duties on foreign goods,

Was read the third time and passed.

No. 73, of the Senate, to amend an act entitled an act for the encouragement of agriculture, approved February 7, 1835,

Was read the third time and passed.

Bill No. 74, of the Senate, for the relief of Micajah Barkley, was read a third time and passed.

Bill No. 73 of the House, for the preservation of sheep,

Was read the third time.

On motion of Mr. Arion, the bill was amended by striking out "Jefferson," and said bill was passed.

Bill No. 87, for the relief of Marshall S. Wines, was read the third time, and,

On motion of Mr. Baird of St. Joseph, laid on the table.

Bill No. 94 of the House, to regulate the receipt and disbursement of the internal improvement fund, was read a third time and passed.

Bill No. 97, to incorporate the Maumee and Wabash Canal Company, was read the third time and passed.

Bill No. 129, of the House for the incorporation of the "Bristol Manufacturing company," was read a third time and passed.

Bill No. 156 of the House, for the relief of school district No. 3, in township No. 6, South of range No. 10 west, in Vanderburgh county, Was read the third time and passed.

Bill No. 181 of the House, to re-appropriate certain moneys therein named, was read a third time and passed.

Bill No. 95, of the House, to provide for the selection of grand and petit jurors, was read the third time and passed.

Bill No. 184 of the House, to amend an act entitled "an act subjecting real and personal estate to execution," approved, February 4, 1831, was read a third time and passed.

On motion of Mr. Thompson, bill No. 113 of the House, for the relief of the late collector of the state and county revenue for the county of Harrison, was taken from the table, read the third time and passed.

Bill No. 80, to amend the act entitled "an act relative to fugitives from labor," approved, January 22, 1824, came up in the second reading.

A motion to indefinitely postpone said bill was pending,

And before the question was taken thereon,

On motion, the Senate adjourned.

FRIDAY MORNING, JAN. 22, 1840.

The Senate assembled.

Mr. Ewing presented the petition of contractors, laborers, and others, on the Wabash and Erie canal, praying for relief;

Which was referred to the select committee on modification.

Mr. Aker presented the petition of sundry citizens of Jay county, praying for the repeal of an act creating Blackford county, and to give Jay county her original territory;

Which was referred to a select committee of Messrs. Aker, Foster, Ewing, Nave, Clark, Parker, and Elliott.

Mr. Thompson laid before the Senate the following communication; which was read and laid on the table.

To the Honorable, the Senate and House of Representatives of the State of Indiana, at Indianapolis convened.

The act incorporating the Leavenworth Savings Institution makes it the duty of the Institution to report annually to the General Assembly the progress of its business and all other matters relative thereto. In compliance with that requisition, the following statement is respectfully submitted, as that report:

Notes and bills discounted	\$1,505 84	
Total amount of expense	101 38	
Cash and underwritten paper in the Institution	1,022 49	2,629 71
Capital stock paid in	1,020 00	
Cash and underwritten paper deposited	1,211 00	
Profit and loss	398 71	2,629 71
Cash securities and other solvent means	52,564 58	
Liabilities of the Institution	247 22	52,317 36

Leaving a balance in favor of the Institution of \$52,317 63 over and above all liabilities.

All of which is respectfully submitted.

Leavenworth, Jan. 10, 1841.

Attest,

A. EDWARDS, Sec'y, L. S. I.

ELAM WILLEY, Pres't.

Mr. Harris, from the judiciary committee, made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred a bill of the House of Representatives, No. 150, for the relief of the Miami and other Indians, and a memorial of Samuel Milroy, Indian agent, on the same subject, have had the same under consideration and have instructed me to report the bill back to the Senate without amendment, and recommend its passage.

And inasmuch as the provisions of the bill fully accord with the prayer of the memorial, the committee have instructed me to report the memorial back to the Senate, and ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Eggleston moved to amend said bill by adding the following:

Sec. —. No white man or negro shall hereafter have the benefit of any of the legal remedies for the collection of debts hereafter contracted by an Indian within the limits of the State of Indiana, and all contract hereafter made with Indians shall be null and void.

Which was agreed to.

And the amendment was ordered to be engrossed, and the bill read a third time to-morrow.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled,

Mr. Beard of Montgomery asked and obtained leave of absence, for Mr. Mendenhall, the senator from Fountain county, during the remainder of the session.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT:

The House have adopted the following resolution, and instructed me to inform the Senate thereof:

Resolved, That the Senate be invited to attend instanter in the Hall of the House of Representatives to proceed to the election of Public Printer, and that seats be provided for them on the right of the Speaker's chair.

Messrs. Graham and Shawhan were appointed tellers on the part of the House of Representatives.

Whereupon the Senate repaired to the Hall of the House of Representatives, for the purpose of electing said officer.

The Convention then proceeded to elect by ballot, a Public Printer,

And upon counting the votes on the first ballot, it appeared that

Dowling & Cole had received	85 votes,
Douglass & Noel	25 "
Stacey & Williams	8 "
Bolton & Pattison	6 "
Blank,	5 "

Messrs. Dowling & Cole having received a majority of all the votes given, the President declared them duly elected Public Printers to serve as such for the term of three years from and after the first day of August next.

The Convention then adjourned,

The Senate returned to their Chamber.

The President laid before the Senate the following communication:

45 S

The above comprises the full result of such an examination of the reports as I have been able to make, on the subjects embraced in the resolution.

I have the honor to be,

Very respectfully,

Your ob't servant,

SAMUEL MERRILL.

OFFICE OF THE STATE BANK }
Indianapolis, Jan. 21, 1841. }

Mr. Ewing moved that the Senate order 100 copies of the above report to be printed;

Which did not prevail.

And said report was laid on the table.

Message from the House of Representatives, by Mr. Fulton:

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate, as follows:

No. 69, an act relative to the Officers of State and the Governor's House;

No. 70, an act to amend an act to incorporate the town of Newcastle in Henry county, approved Feb. 6, 1839;

The last named without amendment, and the first with one amendment; in which the concurrence of the Senate is requested.

The House has also passed engrossed bills thereof, as follows:

No. 204, an act for the relief of Azer Charles;

No. 210, an act for the location of a state road in the counties of Harrison and Crawford;

No. 242, an act for the relief of Edmond Clark; collector of Hendricks county;

No. 243, an act repealing an act regulating the jurisdiction of justices of the peace in Madison county, approved Feb. 17, 1838;

In which I am directed respectfully to ask the concurrence of the Senate.

The Senate concurred in the amendment of the House to bill No. 69, named in the above message.

Bill No. 204, of the message, was read the first time and passed to a second reading on to-morrow.

Bill No. 210, of the message, was read three several times, the rule having been suspended, on motion of Mr. Thompson, and passed.

Bill No. 242, of the message, was twice read, the rule having been suspended.

Mr. Nave moved to amend said bill by inserting the word "court" after the word "circuit;"

Which was agreed to.

And the rule having been further suspended, said bill was read the third time and passed.

Bill No. 243, of the message, was twice read, the rule having been suspended, and referred to a select committee of Messrs. Bell, Angle and Wright.

The following message was received from the House of Representatives, by Mr. Hager their Clerk:

MR. PRESIDENT:

The House of Representatives has passed the following engrossed bill of the Senate, without amendment:

No. 82, an act to incorporate the Logansport Trading and Manufacturing company;

Also the following engrossed bills of the House:

No. 128, an act to incorporate the Euterpian Band of South Bend;

No. 159, an act to incorporate the town of Carlisle in Sullivan county;

No. 192, an act to amend an act authorizing domestic attachments and regulating proceedings therein, approved Jan. 19, 1831;

No. 176, an act to amend an act for the relief of John Rodolph Fischli, approved Feb. 18, 1839;

No. 177, an act for the relief of owners of Indian reservations;

No. 194, an act to protect lands mortgaged to the state from forfeiture for the non-payment of corporation taxes;

No. 198, an act to repeal an act vacating a part of the town of Milford in Kosciusko county, approved Jan. 22, 1839;

No. 182, an act to confirm to John and Comegys certain water power therein named;

No. 206, an act to amend an act entitled an act to incorporate the Liverpool Bridge company;

No. 207, an act to incorporate the Trustees of the Parsonage of the Methodist Episcopal Church of the Brookville circuit;

In which I am directed to ask the concurrence of the Senate.

Bill No. 128, of the above message, was read three several times, the rule having been suspended, and passed.

Bill No. 159, of the message was read twice, the rule having been suspended, and referred to the committee on corporations.

Bill No. 192, of the message, was read twice, the rule having been suspended, and,

On motion of Mr. Thompson, referred to the committee on the judiciary.

Bill No. 176, of the message, was read three several times, the rule having been suspended, and passed.

Bill No. 177, of the message, was read the first time and passed to a second reading to-morrow.

Bills Nos. 194 and 198, were read the first time and passed to a second reading to-morrow.

Bill No. 182, of the message, was read twice, the rule having been suspended, and referred to the committee on canals and internal improvements.

Bill No. 206, of the message, was twice read, the rule having been suspended, and referred to the committee on corporations.

On motion of Mr. Chamberlain, the committee were instructed to limit the time of charter of said corporation to 15 years.

Bill No. 207, of the message, was twice read, the rule having been suspended, and referred to the committee on corporations.

Mr. Hanna, from a select committee, to which the petition of A. Hendricks and Son, had been referred, reported,

Bill No. 116, for the relief of Joseph H. Hendricks;

Which was twice read, the rule having been suspended, and ordered to be engrossed and read a third time to-morrow.

Mr. Collins made the following report:

MR. PRESIDENT:

The select committee to which was referred engrossed bill of the House, No. 157, entitled a bill to define the boundary line between the counties of Clark and Floyd, have, according to order, had the said bill under consideration, have made two amendments thereto, have instructed me to ask the concurrence of the Senate in said amendments, and to recommend the passage of the bill so amended.

The report was concurred in, the rule suspended, and said amendments considered engrossed, and the bill was read a third time and passed.

Mr. Elliott made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of sundry citizens of Kosciusko and Wabash counties, praying for the formation of a new county, of the territory to be taken off of the south side of Kosciusko and the north side of Wabash county; also the remonstrance of sundry citizens of Kosciusko county against the prayer of said petition, have had the same under consideration.

On an examination of the petitions and remonstrances, the committee find, that 421 of the citizens of Kosciusko county have signed the petition for a new county, and that 170 of the citizens of Wabash, residing, as your committee are informed, on the territory proposed to be attached to the proposed new county, have united with the petitioners of Kosciusko, in the prayer of their petition. The remonstrance against the formation of a new county is signed by 326 of the citizens of Kosciusko county.

There is also a petition signed by 47 of the citizens of Kosciusko, praying for the re-location of the county seat of said county, the most of whom have also signed the remonstrance against the formation of a new county.

The committee also find a petition signed by 54 persons, a part of whom are citizens of Kosciusko, and a part of Elkhart county, praying the formation of a new county by a different division of territory than the one above referred to. By a reference to the presidential vote of Kosciusko county, it will be seen that the strength of that county is 825. The petition above referred to of the citizens of Kosciusko, is signed by 421, which, if the presidential vote can be regarded as proper data, constitutes a majority of that county.

The present limits of Kosciusko county embrace 559 square miles, one hundred and fifty-nine more than the constitution requires.

The stream of Eel river runs through the southern part of it, and is embraced within the territory proposed to be stricken off, and the citizens of that part of the county, now do, and ever must look to the Wabash and Erie canal as the source of their market, and all their business and commercial intercourses, whilst the citizens of the middle and northern part of Kosciusko county must ever regard the Northern canal and Lake Michigan as the proper and legitimate sources for the purchase of their necessities, and markets for their surplus produce; and hence there is no identity of interest between the citizens of the southern part of that county and those of the middle and northern parts.

Notwithstanding the present county seat of Kosciusko county is located precisely at or near the geographical centre of the county, it is in a very languishing condition, for a county town, in so thriving and energetic a community. Its location ever has been a source of complaint, for a large number of the citizens of the county; and your committee are disposed to believe, that this vexed question will never be settled until the territory of the county is divided, and the county seat of Kosciusko county re-located.

Entertaining these views on the subject, the committee have instructed me to report a bill providing for the formation of a new county, and to re-locate the county seat of Kosciusko county.

Bill No. 117, to provide for the formation of the county of Tipton and for other purposes,

Was read the first time and passed to a second reading to-morrow
Mr. Thompson made the following report:

MR. PRESIDENT—

The select committee to which was referred a petition of sundry citizens of Leavenworth, asking some amendment to the act incorporating said town, have instructed me to report the following bill, entitled, a bill No. 118, to amend the act incorporating the town of Leavenworth, in Crawford county, approved Feb. 7, 1835, and the subsequent act or acts amendatory thereto; which was twice read, the rule having been suspended, and,

On motion of Mr. Chamberlain,
Referred to the committee on corporations.

Mr. Eggleston introduced joint resolution No. 119, on the subject of the State Bank of Indiana, which was read twice, the rule having been suspended,

Mr. Test moved to refer said joint resolution to the committee on the State Bank.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Beard of Mont., Collins, Kinzer, Tannehill, and Test

—6

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Baird of St. Jos., Bell, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Cravens, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Thompson, Watts, Williams, and Wright—39.

So said motion did not prevail.

Mr. Nave moved to amend said joint resolution, by inserting after the word "notes" the word "bills," which was agreed to.

Mr. Test moved to further amend said joint resolution, by adding the following:

Sec. —. That the State Bank of Indiana is hereby authorized to issue bills, of the denomination of one, two, and three dollars, to the amount of one million of dollars.

Sec. —. The privilege of issuing said small bills is hereby prohibited after the expiration of three years from the passage of this joint resolution.

Mr. Eggleston moved to lay the proposed amendment on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carnan, Carr, Chamberlain, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Mount, Nave, Nickel, Parker, Roberts, Tannehill, and Watts—25.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of Mont., Bell, Blair, Clark, Hanna, Herriott, Hoover, Moffatt, Morgan, Riley, Stafford, Stevenson, Test, Thompson, Williams, and Wright—20.

So said motion prevailed.

The joint resolution was then ordered to be engrossed and read a third time to-morrow.

Mr. Cravens introduced bill No. 120, relative to the counties in the third judicial circuit, which was read three several times, the rule having been suspended, and was passed.

Mr. Ewing introduced bill No. 121, to fix the times of holding courts in the eighth judicial circuit, which was twice read, the rule having been suspended, and,

On motion of Mr. Wright,

Referred to the committee on the judiciary.

Mr. Carr, introduced bill No. 122, to provide for the distribution of the school funds in Jackson county, which was read the first time, and passed to a second reading to-morrow.

Mr. Harris introduced bill No. 123, to amend an act entitled, an act to incorporate the Delphi insurance company, approved Feb. 4, 1837, which was read the first time and passed to a second reading to-morrow.

Mr. Hoover introduced bill No. 124, concerning a State road in Tippecanoe county, which was read three several times, the rules having been suspended, and passed.

Mr. Kinzer introduced bill No. 125, to amend an act providing for Congressional townships, and providing for public schools therein, approved Feb. 17, 1838, which was read the first time and passed to a second reading to-morrow.

Mr. Elliott introduced bill No. 126, to amend an act entitled, an act allowing and regulating the writ of ad quod damnum, approved Dec. 20, 1823, which was read the first time, and passed to a second reading to-morrow.

Mr. Eggleston introduced bill No. 127 to provide for the redemption of Treasury notes, which was read the first time, and passed to a second reading.

ORDERS OF THE DAY.

Bill No. 80, to amend the act entitled, an act relative to fugitives from labor, came up in order.

The question being on the motion which was pending, to indefinitely postpone said bill,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Jos., Berry, Carnan, Clark, Collins, Eggleston, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Moffatt, Nickel, Riley, Roberts, Stevenson, Tannehill, Watts, and Wright—22.

Those who voted in the negative were,

Messrs. Aker, Angle, Beard of M., Blair, Carr, Elliott, Everts, Fos-

ter, Hanna, Hoover, Morgan, Mount, Nave, Parker, Stafford, Test, Thompson, and Williams—18.

So said bill was indefinitely postponed.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House to inform the Senate, that the House has concurred in the several amendments of the Senate, to bills of the House, as follows:

No. 73, for the preservation of sheep.

No. 113, for the relief of late collectors for the county of Harrison, and for other purposes.

No. 129, for the incorporation of the Bristol manufacturing company.

No. 156, for the relief of school district No. 3, in township No. 6, south of range No. 10 west, in Vandeburgh county.

No. 184, to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831.

On motion, the Senate adjourned.

SATURDAY MORNING, JANUARY 23, 1841.

The Senate assembled.

The President laid before the Senate the report of the committee appointed at the last session of the Legislature to investigate the affairs of the Indiana University, with a bill No. 128, to provide for a better regulation of the Indiana University;

Which was read the first time and passed to a second reading.

Mr. Berry moved to lay the report on the table, and that 1000 copies be printed.

Mr. Thompson moved to amend the motion to print so that the cost thereof shall be paid out of the college fund;

Which was not agreed to.

Mr. Armstrong named 500 copies.

Mr. Tannehill named 250 copies.

A division being called for,

The question was taken on printing, and decided in the affirmative.

The question was then taken on the number of copies, one thousand being the first named,

And decided in the negative.

The question was then taken on five hundred,

And decided in the affirmative.

Mr. Nave presented the petition of Smith G. Moore and others, praying the Legislature to memorialize Congress to donate land to the officers and soldiers of the late war;

Which was referred to the committee on federal relations.

Mr. Watts presented the petition of the board of directors of the Indianapolis and Lawrenceburgh Rail Road Company, asking for further time for closing up their business.

Which was referred to the same select committee to which a similar petition had been referred.

Mr. Riley presented the petition of Moulder & Lindlay, praying for relief;

Which was referred to the committee on canals and internal improvements.

Mr. Stevenson presented the petition of Wm. M'Blake and others, praying for an act incorporating the Putnam Band;

Which was referred to a select committee of Messrs. Stevenson, Roberts and Hanna.

Mr. Arion presented the following preamble and resolution:

Whereas, the protection and encouragement of domestic manufactures, directly tending to increase our national industry, prosperity and independence, and afford employment to our own citizens, by which we may retain among ourselves the large amounts annually expended for foreign fabrics, and retrieve ourselves from the position we now occupy as tributary to the work-shops of Europe, imperiously demand of us that legislative protection and encouragement which the mutual interests of the producer and consumer require: And, whereas, the growth and manufacture of silk in this country, has undergone a successful experiment, and found not only practicable but profitable, and by proper encouragement can be made a source of great national wealth. And, whereas, our sister States of Maine, Connecticut, and Massachusetts, with other States, have given premiums for the production of silk and its manufacture—Massachusetts giving a premium equal to \$2 on every pound of manufactured silk, by which those engaged in it are stimulated to greater exertions, and others encouraged to engage in the business. Therefore,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of reporting a bill to the Senate, giving encouragement and protection to the production and manufacture of silk in our own State.

The resolution was adopted.

Mr. Thompson offered the following resolution:

Resolved, That the Rev. A. E. Man have permission to hold Divine service in the Senate chamber at 6 o'clock, P. M. January 23, 1841;

Which was adopted.

Mr. Harris, from the committee on enrolled bills made the following report:

Mr. President—

The joint committee on enrolled bills report that they have compared the following enrolled bills with the engrossed bills of the Senate, to-wit:

No. 28, an act to amend an act to incorporate the town of Laporte, approved February 18, 1839;

No. 34, an act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, and have found the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

Mr. President—

I am directed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill of the Senate without amendment, of the following title:

No. 68, an act to authorize the board doing county business in Switzerland county, to establish a toll bridge over Indian Creek in said county.

Mr. Wright made the following report:

Mr. President—

The standing committee on education to whom was referred the report of the Treasurer of State in relation to the surplus revenue, have had the same under consideration, and find that there is a great delinquency on the part of many of the agents of this fund in reporting the condition of the same—there being twenty-two agents who failed to make any return whatever to the Treasurer of State for the last quarter. The situation of this fund cannot be ascertained from the report of the Treasurer of State as many other agents have done no business whatever. The fund is thus liable to total loss by inattention. The bill reported by the committee on finance meets with the views of your committee and would recommend its passage. They, however, believing that some immediate action is necessary to secure the state from loss, have directed me to report the following bill and recommend its passage.

Bill No. 129, to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to receive by virtue of an act of Congress, approved June 23, 1836, approved Feb. 17, 1838;

Was read the first time and passed to a second reading;

Was read the first time and passed to a second reading.

Mr. Stafford made the following report:

Mr. President—

The committee on roads to which was referred sundry petitions of

the county of Madison, praying to change a certain state road, also a remonstrance on the same subject, have had the subject under consideration, and upon examination find the petitioners have failed to comply with the requisitions of an act relative to roads and highways, approved February 24th, 1840: Therefore have directed me to report that it is inexpedient to legislate further on said subject and ask to be discharged from further consideration of said subject.

The report was concurred in and the committee discharged.

Mr. Herriott made the following report:

Mr. President—

The select committee to which was referred a resolution to inquire into the expediency of amending the second section of an act relative to roads and highways, approved 24th Feb. 1840, have had that subject under consideration, and directed me to report the following:

Bill No. 130, to repeal a part of the second section of an act relating to public roads and highways, approved Feb. 24, 1840;

Was read the first time and passed to a second reading.

The Senate then proceeded, on the motion of Mr. Test, to the consideration of the report of the select committee on modification, with the amendments to bill No. 55, to modify the system of internal improvements, which had been recommitted to said committee.

The question being on concurring in the 7th amendment of the committee to said bill,

Mr. Baird moved to amend said bill, by adding to that part proposed to be stricken out by said amendment, the following:

"*Provided*, That nothing in this act shall be so construed as to prevent the board of internal improvement from putting under contract, and having completed the Erie and Michigan canal, the New Albany and Vincennes road, the Madison and Indianapolis rail-road, the northern end of the Central canal, and the White Water canal, and road between Crawfordsville and Lafayette so soon as funds can be had for that purpose, by six per cent. bonds."

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Beard of Mont., Bell, Carnan, Chamberlain, Clark, Eggleston, Everts, Ewing, Foster, Hoover, Parker, and Riley—13.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Berry, Blair, Carr, Collins, Cravens, Dobson, Hackett, Hanna, Hargrove, Harris, Herriott, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams, and Wright—31.

So said amendment did not prevail.

Mr. Parker moved to amend the 7th amendment of the committee, as follows:

"*Provided*, That if the chief Engineer shall be of the opinion that any portion of the public works, which it is contemplated any individual or company may be disposed to complete, can be completed with six per cent. bonds at par as cash, and that when completed, the work will nett to the State a larger amount than six per cent, on the amount required to finish any portion of said works, it shall be lawful to complete such portion of said works aforesaid by the State."

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Baird of St. J., Beard of M., Berry, Carnan, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Parker, and Riley—16.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Bell, Blair, Carr, Cravens, Foster, Hanna, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams, and Wright—29.

So said amendment was not agreed to.

Mr. Armstrong moved to amend the amendment as follows:

"Sec. —. In order more effectually to preserve to the State the amount already expended upon the Jeffersonville and Crawfordsville road between Jeffersonville and Salem, the board of internal improvements are hereby directed to proceed as soon as practicable to the completion of said portion of said road, between Jeffersonville and Salem, as a turnpike road, and the fund commissioners are hereby directed to sell six per cent. bonds at par, unless a premium can be had for the same, payable in New York in twenty-five years, to pay the amount necessary to complete said road, provided the sum necessary for that purpose, cannot be raised by the sale of eastern securities as is in this act before directed."

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carr, Clark, Collins, Dobson, Hackett, Riley, and Tannehill—9.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J. Beard of M., Bell, Blair, Carnan, Chamberlain, Cravens, Eggleston, Ewing, Foster, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt,

Morgan, Mount, Nave, Nickel, Parker, Roberts, Stafford, Stevenson, Test, Thompson, Watts, Williams, and Wright—35.

So said amendment did not prevail.

On motion of Mr. Lowe,

The further consideration of the report was postponed, till a message from the House was disposed of.

Message from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 247, an act to remove the disability of Anna Maria Gile, in which the concurrence of the Senate is respectfully requested; and the House has also directed me, for the information of the Senate, on the subject of the bill, to communicate to them, the following report of the judiciary committee of the House.

The bill named in the above message was read three several times, the rule having been suspended, and passed.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The consideration of the report of the select committee on modification was again resumed.

The question being on concurring in the 7th amendment,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Beard of M. Bell, Blair, Carnan, Carr, Collins, Cravens, Elliott, Ewing, Foster, Hackett, Hanna, Hargrove, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Stafford, Stevenson, Tannehill, Test, Thompson, and Williams—34.

Those who voted in the negative were,

Messrs. Baird of St. J., Berry, Chamberlain, Clark, Dobson, Eggleston, Harris, Riley, Roberts, Watts, and Wright—11.

So said amendment was concurred in.

Mr. Thompson moved to strike out the bill from the enacting clause and insert the following:

That the Board of Internal Improvements be, and they are hereby prohibited from making any additional lettings upon the public works, except as is provided by this act, until the said works shall have been

classed and the work or works to be first prosecuted shall have been designated by law.

Sec. 2. No sale of State bonds for the purpose of prosecuting the public works shall be made during the suspension contemplated by this act, nor shall such sale for said purpose, ever be made of any bonds of the State bearing a higher rate of interest than five per centum per annum, nor upon any other terms than for cash and at par.

Sec. 3. The Board of Internal Improvements shall take general charge and superintendence of the public works, and prevent their dilapidation and decay as far as practicable and shall suggest to the Legislature such measures as may be necessary for that purpose, from time to time. The charges incurred under this section of this act, shall be audited by the Auditor of Public Accounts and be paid out of the Treasury.

Sec. 4. It shall be lawful for any individual or individuals, corporation or corporations, (the State Bank of Indiana excepted) to advance to the State of Indiana the amount of money required to complete any of the public works of this State, such persons or corporations designating the work or part of work on which the money so advanced shall be expended.

Sec. 5. That when the Board of Internal Improvements shall have been informed of the subscription of an amount sufficient to complete any portion of such work which said Board may deem of sufficient consequence to justify the attention of the State, it shall be their duty to put under contract such work or part of work and to furnish the necessary officers to superintend the same.

Sec. 6. That when said money is so subscribed, before putting said work or part of work under contract, the said Board of Internal Improvements, shall require one fourth of said money to be paid into the Branch of the State Bank of Indiana nearest to the proposed work to the credit of the Treasurer of State, and the remainder thereof to be secured by well endorsed negotiable paper, payable at such Branch Bank to the order of the Treasurer of State, at such time or times as may be designated by said Board.

Sec. 7. If the work or works selected by such person or corporation, advancing said money, be a turnpike road, then such person or persons (with the consent of the Board of Internal Improvements) shall have the right to determine whether the same be completed as a McAdamized or clay turnpike, or with a track of each.

Sec. 8. So soon as such work or portion of work shall be prepared therefor, the Board of Internal Improvement shall cause toll gates and houses to be erected out of the funds of such persons or corporations, and shall from time to time fix the rate of toll until the same be established bylaw. Said Board shall employ toll gatherers and require bond and security of them in such sum as may be deemed proper by said Board, and they shall exercise a general supervisory control over such toll gatherers and make full reports of the amount of tolls received to the Legislature at the commencement of each session thereof.

Sec. 9. The tolls received on each work are hereby appropriated, first to the necessary repairs and incidental expenses of said work to be applied under the direction of the Board of Internal Improvements, and on the residue thereof semi-annual dividends shall be made by said Board to the State and to the individuals or corporations advancing money as aforesaid for the completion of said work or part of work according to the length of line completed by the parties respectively. The payments of said dividends to the State shall be made by said Board in the Branch of the State Bank of Indiana at Indianapolis to the credit of the Treasurer of State, who is hereby authorized and required to check for the same to meet the appropriations made by law: *Provided*, That the state reserves to herself the right of purchasing the interest of such person or persons, corporation or corporations, at any time after fifteen years from the passage of this act, by paying to such person or persons the amount of money advanced, with six per centum interest per annum thereon from the date of such advancement or advancements.

Sec. 10. Whenever any of said roads or parts thereof shall be out of repair, so as to make the reception of tolls unjust, the Board of Internal Improvements are directed to cause one or more gates to be thrown open so as to make the tolls equitable until the road shall have been put in repair.

Sec. 11. The advances made under the 6th section of this act shall be holden as security for the instalments remaining unpaid, and the amount paid in shall be forfeited to the State on failure to pay the instalments secured under the provisions of this act. The persons or corporations advancing money under the provisions of this act may transfer on the books of the Board of Internal Improvement their interest in the works with the consent of the Board.

Sec. 12. That the provisions of this act shall not extend to the Wabash and Erie Canal, between the mouth of Tippecanoe river and Terre Haute: *Provided*, Congress shall confirm the title to the lands claimed by the State of Indiana for the construction of said Canal. *Provided, further*, That nothing in this act contained shall be so construed as to prevent the expenditure of any unexpended appropriation heretofore made for the purpose of removing the obstructions in the Rapids of the Wabash River, according to the true intent and meaning of the act of 1836, and of the additional appropriation for said river.

Sec. 13. This act to take effect and be in force from and after its passage.

Mr. Clark moved to amend said bill by striking out of the second class, so much as relates to the White-water canal and the Madison road, and insert the following:

"And the completion of the grading and bridging of that part of the Jeffersonville and Crawfordsville McAdamized road lying between New Albany in Floyd county, and Salt creek in Lawrence county, shall constitute the second class."

Mr. Berry moved to amend the amendment proposed by Mr. Clark, so as to extend said road to Bloomington in Monroe county;"

Which was agreed to.

Mr. Beard of M., moved further to amend the amendment, as follows: "And the grading and bridging of the turnpike road from Green-castle to Lafayette;"

Which was agreed to.

Mr. Armstrong moved further to amend the proposed amendment, as follows:

"And that portion of said road which lies between Jeffersonville and New Albany shall constitute a part of the first class, and as such shall be completed as a turnpike road as soon as funds can be procured from the disposition of the suspended debt of the State as authorized in this act;"

Which was agreed to.

The question then recurring on the motion of Mr. Clark, to strike out and insert;

A division was called for,

And the question being on striking out;

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of M., Berry, Blair, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Hoover, Kinzer, McCord, Riley, Roberts, Thompson, Watts, and Wright—23.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Bell, Carnan, Cravens, Elliott, Foster, Hanna, Herriott, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Stafford, Stevenson, Tannehill, Test, and Williams—22.

So the motion to strike out prevailed.

The question was then put on inserting the amendment proposed.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Beard of M., Berry, Blair, Carr, Chamberlain, Clark, Collins, Dobson, Ewing, Hackett, Harris, Hoover, McCord, Moffatt, Riley, Roberts, Stevenson, Watts and Wright—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Bell, Carnan, Cravens, Eggleston, Elliott, Foster, Hanna, Hargrove, Herriott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Parker, Stafford, Tannehill, Test, Thompson and Williams—25.

So the motion to insert did not prevail.

Mr. Stevenson moved to fill the blank by inserting the following

That the public works enumerated in the act entitled an act to provide for a general system of internal improvement, approved January 27, 1836, be, and the same are hereby divided into two classes, to be denominated the first and second class; that is to say, the Madison and Indianapolis Rail Road from Madison to Indianapolis, on the surveyed route thereof, shall constitute the first class; the other works named in the above recited act shall constitute the second class.

Mr. Bell moved to amend the amendment proposed by Mr. Stevenson, by adding as follows:

And the Central canal north of Indianapolis;

The ayes and noes being ordered;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Bell, Chamberlain, Ewing, Foster, Hanna, Harris, Nave and Wright—11.

Those who voted in the negative were,

Messrs. Arion, Baird of St. Joseph, Beard of Montgomery, Berry, Blair, Carnan, Carr, Collins, Clark, Cravens, Dobson, Eggleston, Elliott, Hackett, Hargrove, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nickel, Riley, Parker, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts and Williams—34.

So said amendment did not prevail.

Mr. Morgan moved the previous question;

The ayes and noes being ordered:

Those who voted in the affirmative were,

Messrs. Angle, Cravens, Everts, Foster, Hanna, Herriott, Morgan and Test—8.

Those who voted in the negative were,

Messrs. Aker, Arion, Armstrong, Baird of St. J., Beard of Mont., Bell, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Elliott, Ewing, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Moffatt, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Watts, Wright and Williams—38.

So the call was not seconded.

Mr. Chamberlain moved to amend the amendment proposed by Mr. Stevenson as follows:

And the Erie and Michigan canal from Fort Wayne to and including the Summit level and feeders in Noble county, and the Northern division of the Central canal.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. J., Bell, Chamberlain, Clark, Elliott, Everts, Ewing, Foster, Harris and Wright—11.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Beard of M., Berry, Blair, Carnan, Carr, Collins, Cravens, Dobson, Eggleston, Hackett, Hanna, Hargrove, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts and Williams—35.

So said amendment did not prevail.

Mr. Dobson moved to amend the amendment by adding as follows: And that part of the Central canal from Evansville to Indianapolis;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Berry, Clark, Collins, Dobson, Elliott, Hackett, Hargrove, Lowe, Moffatt, Roberts, Stafford and Thompson—12.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Blair, Carnan, Carr, Chamberlain, Cravens, Eggleston, Everts, Ewing, Foster, Hanna, Harris, Herriott, Hoover, Kinzer, McCord, Morgan, Mount, Nave, Nickel, Parker, Riley, Stevenson, Tannehill, Test, Watts, Williams and Wright—34.

So said amendment was not agreed to.

Mr. Carnan moved the following amendment to the amendment:

After the words "Madison and Indianapolis Rail Road" insert "and the White Water canal, Central canal, Northern canal, Vincennes and New Albany McAdamized Turnpike road, Jeffersonville and Lafayette road and Cross-cut canal.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Baird of St. J., Carnan, Chamberlain, Clark, Col-

lins, Eggleston, Elliott, Everts, Ewing, Hackett, Hargrove, Harris, McCord, Roberts and Thompson—16.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Carr, Cravens, Dobson, Foster, Hanna, Herriott, Hoover, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Stafford, Stevenson, Tannehill, Test, Watts, Williams and Wright—30.

So said amendment was last.

The question was then put on the amendment proposed by Mr. Stevenson;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Beard of Montgomery, Bell, Berry, Dobson, Eggleston, Foster, Hanna, Herriott, Hoover, Nave, Nickel and Stevenson—12.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Elliott, Everts, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Parker, Riley, Roberts, Stafford, Tannehill, Test, Thompson, Watts, Williams and Wright—34.

So said amendment did not prevail.

Mr. Carr moved to re-consider the vote taken on the motion of Mr. Clarke to strike out.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Bell, Carnan, Carr, Cravens, Elliott, Foster, Hanna, Herriott, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Stafford, Tannehill, Test and Williams—23.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of M., Berry, Blair, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Hoover, McCord, Riley, Roberts, Stevenson, Thompson, Watts and Wright—23.

The President gave the casting vote in the affirmative, And said vote was reconsidered.

Mr. Elliott moved the previous question;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Bell, Cravens, Elliott, Foster, Hanna, Herriott, Kinzer, Morgan, Mount, Nave, Parker, Stafford, Tannehill, Test and Williams—18.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of M., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Hoover, Lowe, McCord, Moffatt, Riley, Roberts, Stevenson, Thompson, Watts and Wright—27.

So the call for the previous question was not seconded.

The question recurring on the motion of Mr. Clark, to strike out,
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of Montgomery, Berry, Blair, Carnan, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Hoover, McCord, Riley, Roberts, Stevenson, Thompson, Watts and Wright—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Bell, Carr, Cravens, Elliott, Foster, Hanna, Herriott, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Stafford, Tannehill, Test and Williams—22.

So the motion to strike out prevailed.

Mr. Stevenson moved to amend the bill by striking out the White Water canal from the first class.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Blair, Chamberlain, Dobson, Eggleston, Everts, Foster, Hackett, Hargrove, Harris, McCord, Riley, Roberts, Stafford, Stevenson and Thompson—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Carnan, Carr, Clark, Collins, Cravens, Elliott, Ewing, Hanna, Herriott, Hoover, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Tannehill, Test, Watts, Williams and Wright—26.

So said motion did not prevail.

Mr. Eggleston moved to amend the bill by striking the Madison and Indianapolis rail road from the first class.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Blair, Chamberlain, Clark, Dobson, Eggleston, Hackett, Harris, McCord, Riley, Roberts, Thompson and Watts—12.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Carnan, Carr, Collins, Cravens, Elliott, Everts, Ewing, Foster, Hanna, Hargrove, Herriott, Hoover, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Stafford, Stevenson, Tannehill, Test, Williams and Wright—34.

So said motion did not prevail.

Mr. Dobson moved to amend said bill, by striking out the words "Bluffs of White river" and insert "the mouth of Eel river."

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Berry, Clark, Collins, Dobson, Eggleston, Ewing, Hargrove, McCord, Roberts, Stafford and Watts—11.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Mont., Bell, Blair, Carnan, Carr, Chamberlain, Cravens, Elliott, Everts, Foster, Hanna, Harris, Herriott, Hoover, Kinzer, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Stevenson, Tannehill, Test, Thompson, Williams and Wright—33.

So said amendment was not adopted.

Mr. Clark moved to amend said bill by adding to the second section, as follows:

"And the grading and bridging that part of the Jeffersonville and Crawfordsville McAdamized road lying between Salem, in Washington county, and Salt Creek, in Lawrence county;"

Which was not adopted.

Mr. Stevenson moved to amend said bill so as to place those works which are named in the third class in the second class.

A motion was made to adjourn,

Which did not prevail.

The question was then put on the motion of Mr. Stevenson.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of Montgomery, Berry, Chamberlain, Dobson, Elliott, Everts, Ewing, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Mount, Nave, Parker, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson and Williams—26.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Bell, Blair, Carnan, Carr, Clark, Collins, Cravens, Eggleston, Foster, Kinzer, Lowe, McCord, Moffatt, Morgan, Nickel, Riley, Watts and Wright—20.

So said motion prevailed.

On motion, the Senate adjourned.

MONDAY MORNING, JAN. 25, 1841.

Senate assembled.

The following message was received from the House of Representatives by Mr. Hager, their Clerk:

MR. PRESIDENT—

The House has passed an engrossed bill thereof, of the following title:

No. 112, an act to incorporate the Terre Haute Cavalry, And directed me to inform the Senate thereof, and respectfully ask their concurrence therein.

The bill named in the above message was twice read, the rule having been suspended, and referred to the committee on corporations.

The following message was received from the House of Representatives, by Mr. Hagar, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bills thereof, as follows:

No. 100, an act to provide in part for the payment of the interest on the public debt;

No. 107, an act to amend the act authorizing the appointment of Pilots at the Falls of the Ohio, approved February 7, 1825;

No. 148, an act to amend an act for the regulation of the State's Prison, approved February 17, 1838;

No. 250, an act fixing the time of holding the Courts in the eighth judicial circuit;

No. 252, an act changing the times of holding Courts in the third judicial circuit;

No. 254, an act providing for an additional term of the Circuit Court in Delaware county;

In which the concurrence of the Senate is respectfully requested.

Bill, No. 100, of the message, was read the first time, and passed to a second reading on to-morrow.

Bill, No. 107, of the message, was read the first time and passed to a second reading.

Bill, No. 148, of the message, was read twice, the rule having been suspended, and referred to the committee on the State's Prison.

On motion of Mr. Chamberlain,

The committee to which the above bill was referred, were instructed to amend said bill, by providing that the Clerk of the State Prison be appointed by the Governor.

Bill, No. 250, in said message, was read a first and second times, and referred to the committee on the judiciary.

Bill, No. 252, of the above message, was read a first and second times, and

On motion of Mr. Watts,

Referred to a select committee composed of Senators from the third judicial circuit.

Bill, No. 254, of the message, was read a first and second times, and

On motion of Mr. Morgan,

The bill was amended by striking out that part requiring its publication in the newspaper, and making it the duty of the Secretary of State to furnish a copy;

And said bill was read a third time and passed.

On motion of Mr. Clark,

Bill No. 58, to authorize John Brown to invest certain money in Bank stock for the use of heirs, was taken up, and said bill read a third time and passed.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bills and joint resolutions thereof, as follows:

No. 211, an act to incorporate the town of Mooresville, in Morgan county;

No. 212, an act to vacate Spring street in the town of Covington, in Fountain county;

No. 213, an act to establish permanent corners to the streets and alleys and lots in the town of Corydon;

No. 214, a joint resolution on the subject of the National Road;

No. 221, an act to amend "an act incorporating the Seminary in the county of Gibson, and for other purposes," approved January 21, 1826, so far as relates to the Orange county Seminary;

No. 224, an act to amend an act to provide for the election of an

additional Justice of the Peace and Constable, in Morgan township, in Harrison county;

No. 226, an act to amend "an act for the relief of the poor," approved February 17, 1838, so far as relates to Marion county;

No. 227, a joint resolution for the benefit of St. Joseph county;

No. 229, a joint resolution providing for a correspondence between the Executives of Indiana and Ohio, in reference to the completion of the Wabash and Erie canal;

No. 230, an act to legalize the election of Probate Judge in Kosciusko county;

No. 249, an act to amend "an act authorizing the sale of certain school lands therein named, and for other purposes," approved Jan. 1, 1838;

No. 251, an act to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes;

No. 255, an act to amend "an act providing for the recording of mortgages on personal property," approved February 17, 1838;

No. 256, an act for the relief of the heirs of John Sawyer, deceased;

Also, the following engrossed bill of the Senate:

No. 25, an act to amend "an act subjecting real and personal estate to execution," approved February 4, 1831, with two amendments;

In which bills of the House and amendments to bill of the Senate, the concurrence of the Senate is respectfully requested.

Bill, No. 211, of the message, was read a first and second times, and referred to the committee on corporations;

Bills, No. 212, 213, 227, 224, 230, 249, of the message, were severally read a first, second and third times, and passed.

Bill, 214, of the message, was read a first and second times.

Mr. Nave moved to refer said bill to a select committee;

Which did not prevail; and

On motion of Mr. Test,

The rule was suspended, and said bill read a third and passed.

Bill, No. 221, of the message, was read a first and second times, and referred to the committee on corporations.

Bill, No. 226, of the message, was read a first and second times, and ordered to a third reading on to-morrow.

Bill, No. 229, of the message, was read a first and second times, and

On motion of Mr. Ewing, referred to the select committee on Modification.

Bills, Nos. 251, 255 and 256, of the message, were severally read a first and second times, and referred to the committee on the judiciary.

Bill, No. 25, of the Senate, named in the message, being under consideration, the Senate refused to concur in the first amendment of the House to said bill, and

On motion of Mr. Parker,

The second amendment was amended by striking out "redeemed,"

in the 31st line of the 2d section, and inserting "rendered;" and the amendment as amended was concurred in.

Mr. Everts presented the petition of Fisher Ames and others, praying for the passage of an act to incorporate a Manufacturing Company at Michigan City,

Which was referred to a select committee of Messrs. Everts, Baird of St. Joseph, and Ewing.

Mr. Stafford made the following report:

MR. PRESIDENT—

The committee on roads, to whom was referred the petitions of sundry citizens of the counties of Allen and Huntington, praying for the location of a state road therein named, have had that subject under consideration, and have directed me to report a bill in accordance with the prayer of said petitioners.

Bill, No. 131, providing for a State road in the counties of Allen and Huntington,

Was read a first time and passed to a second reading.

Mr. Morgan, from the committee on corporations, made the following report:

MR. PRESIDENT—

The standing committee on corporations to which was referred bill No. 159, of the House, to incorporate the town of Carlisle in Sullivan county, have had the same under consideration, and have directed me to report the same back with one amendment, and ask the concurrence of the Senate, and the last section at the expense of the said corporation.

The report was concurred in, and the rule having been suspended, said bill read a third time and passed.

Mr. Nave made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred bill No. 120 of the House of Representatives, entitled "a bill to extend the benefits of an act to incorporate the Marion Fire Engine Company," approved January 20, 1838," have, according to order, had the same under consideration, and have made one amendment thereto,

In which the concurrence of the Senate is respectfully requested.

The report was concurred in, and the rule having been suspended, said bill was read the third time and passed.

Mr. Eggleston made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred an engrossed bill of the House of Representatives entitled, a bill to incorporate the

Liverpool Bridge Company, with instructions to limit the operations of said act to the term of time of fifteen years, have had said bill under consideration, and in conformity with said instructions have adopted one amendment thereto, as follows, to-wit: "Strike out the words 'twenty-five' in section 4, and insert in lieu thereof the word 'fifteen;' with which amendment they recommend its passage.

The report was concurred in, and the rule having been suspended, said bill was read a third time and passed.

Mr. Nave made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred a bill of the Senate, No. 91, entitled, "a bill to incorporate the Orleans Band of Musicians," have had the same under their consideration, and have directed me to report the same back with one amendment thereto; in which the concurrence of the Senate is respectfully requested, viz: strike out of the first section of said bill, all after the word "constitution," and insert the following, viz: "of the United States or of this State."

The report was concurred in, and the rule having been suspended, said bill was read the third time and passed.

Mr. Angle made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred, a bill, No. 173, of the House of Representatives, entitled "a bill to incorporate the Trustees of the Daviess county Seminary," have had that subject under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in, and said bill ordered to a third reading on to-morrow.

Mr. Stevenson, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of W. M. C. Blake and others, have had the same under consideration, and have directed me to report the following:

Bill No. 132, to incorporate the Putnam Band of Music,

Was read the first, second, and third times, the rule having been suspended, and passed.

On motion of Mr. Chamberlain, bill No. 87 of the House, for the relief of Marshall S. Wines, was taken from the table.

The question being on the passage of said bill.

And the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Berry, Blair, Carnan, Chamberlain, Clark, Collins, Dobson, Everts, Ewing, Hackett, Hanna, Hargrove, Harris, Hoover, Lowe, Moffatt, Riley, Roberts, Stafford, Tannehill, Thompson, and Wright—22.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Carr, Cravens, Eggleston, Elliott, Herriott, McCord, Morgan, Mount, Nave, Nickel, Parker, Stevenson, Watts, and Williams—19.

So said bill was passed.

Mr. Bell made the following report:

MR. PRESIDENT—

The select committee to which was referred the bill of the House, No. 40, have had the same under consideration, and have directed me to make one amendment, which is, to strike out the bill from the enacting clause, and insert the following; in which they ask the concurrence of the Senate.

The report was concurred in, and the rule having been suspended, said bill was read a third time and passed.

Mr. Watts made the following report:

MR. PRESIDENT—

The select committee to which was referred the petition of the President of the Board of Directors of the Lawrenceburgh and Indianapolis Rail Road Company, have had that subject under consideration and have directed me to report the following bill:

No. 133, to amend an act entitled, an act to allow further time to the Lawrenceburgh and Indianapolis Rail Road Company, to settle up and close their affairs, approved, February 18, 1840, was read three several times and passed.

Mr. Tannehill asked and obtained leave of absence for Mr. Foster, for a few days.

Mr. Williams made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report, that they have presented to his Excellency the Governor, for his approval and signature the following bills of the Senate, to-wit:

No. 28, an act to amend an act entitled "an act to incorporate the town of Laporte," approved, February 18th, 1839;

No. 34, an act to amend an act entitled, an act regulating the jurisdiction and duties of justices of the peace, approved, February 17th, 1838.

No. 68, an act to authorize the Board of Commissioners doing county business within and for the county of Switzerland, Indiana, to establish a toll bridge over Indian creek in said county;

No. 69, an act relative to officers of State;

No. 70, an act to amend an act entitled, an act to incorporate the town of Newcastle, in the county of Henry, approved, February 6th, 1839;

Mr. Harris, from the committee on enrolled bills, made the following report:

Mr. President—

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed bills of the Senate, to-wit:

No. 68, an act to authorize the board of commissioners within and for the county of Switzerland, Indiana, to establish a toll bridge over Indian creek in said county;

No. 69, an act relative to officers of State;

No. 70, an act to amend an act entitled an act to incorporate the town of New-Castle in Henry, approved February 6th, 1839;

Also, the following enrolled with the engrossed bills of the House of Representatives, to-wit:

No. 73, an act for the preservation of sheep;

No. 90, an act to amend an act to authorize Daniel J. & Isaac Hancock to build a toll bridge across South Hogan;

No. 95, an act to provide for the selection of grand and petit jurors;

No. 113, an act for the relief of late collectors for the county of Harrison, and for other purposes;

No. 133, an act to authorize William Mumford to build a bridge across the Wabash river in the county of Wabash;

No. 157, an act to define the boundary line between the counties of Clark and Floyd;

No. 169, an act to legalize the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes;

No. 181, an act to appropriate certain moneys therein named;

No. 184, an act to amend an act entitled an act subjecting real and personal estate to execution, approved February 4, 1831;

No. 210, an act for the location of a state road in the counties of Harrison and Crawford,

And find the same correctly enrolled.

A message from the House of Representatives by Mr. Hager, their clerk:

The Speaker having signed the following enrolled bills of the Senate,

No. 28, an act to amend an act to incorporate the town of LaPorte, approved February 18, 1839;

No. 34, an act to amend an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President of the Senate signed said bills.

Message from the House of Representatives, by Mr. Jones, a member:

Mr. President—

The Speaker having signed the following enrolled bills of the House

No. 43, for the preservation of sheep;

No. 90, to amend an act to authorize Daniel J. Hancock and Isaac Hancock, to build a bridge across South Hogan Creek in Dearborn county, approved Feb. 22, 1840;

No. 95, to provide for the selection of grand and petit jurors;

No. 113, for the relief of late collectors for the county of Harrison, and for other purposes;

No. 133, to authorize William Mumford to build a bridge across the Wabash River in Wabash county;

No. 157, to define the boundary line between the counties of Clark and Floyd;

No. 169, legalizing the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes;

No. 181, to re-appropriate certain moneys therein named;

No. 184, to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831;

No. 110, for the location of a state road in the counties of Harrison and Crawford;

Also, the following enrolled bills of the Senate;

No. 68, to authorize the board of commissioners doing county business in and for the county of Switzerland, to establish a toll bridge over Indian creek in said county;

No. 69, relative to officers of State;

No. 70, an act to incorporate the town of New-Castle in Henry county, approved February 6, 1839;

I have been directed by the House of Representatives to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

The following message was received from his Excellency the Governor, by Mr. Moore, his private Secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has on this day approved and signed

An act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17th, 1838;

An act to amend an act entitled an act to incorporate the town of Laporte, approved Feb. 18, 1839;

An act to amend an act entitled an act to incorporate the town of New-Castle in the county of Henry, approved February 6, 1839;

An act to authorize the board of commissioners doing county business within and for the county of Switzerland, Indiana, to establish a toll bridge over Indian Creek in said county;

An act relative to officers of State;

All of which originated in the Senate.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President of the Senate being absent in consequence of ill health,

On motion of Mr. Thompson, Mr. Bell was called to the chair.

Mr. Thompson offered the following resolution:

Resolved, That the Senate will, at two o'clock each day, suspend all previous orders or business, and take into consideration either a bill or measure relative to internal improvement, the Bank, or revenue bill, when reported and so proceed upon these important subjects until we dispose of them.

Mr. Nave moved to amend said resolution by striking all out from the resolving clause, and inserting the following:

That the Senate will hereafter, during the remainder of the present session, proceed to the orders of the day at the hour of eleven o'clock, A. M.

Mr. Lowe moved to lay the resolution and amendment on the table.

Which did not prevail.

The question was then taken on the adoption of the amendment,

And decided in the affirmative.

Mr. Stevenson moved to amend the resolution as amended, by striking out 11 o'clock, A. M. and inserting two o'clock, P. M.

Mr. Thompson moved further to amend as follows:

Resolved, That the Senate will each day during the remainder of the session meet at half past 8 o'clock, A. M. instead as heretofore at 9 o'clock.

Which was not adopted.

Mr. Watts moved the following amendment:

Resolved further, That the Senate will hereafter meet at half past one o'clock, and go into the orders of the day at 2 o'clock, P. M.

Which did not prevail.

The question was then taken on adopting the amendment proposed by Mr. Stevenson,

And decided in the affirmative.

Mr. Thompson proposed to amend the resolution as follows:

That the Senate will meet at 8 o'clock, A. M. instead of nine as hitherto.

Mr. Angle moved to lay the resolution and pending amendments on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Beard of Montgomery, Bell, Carr, Chamberlain, Clark, Elliott, Kinzer, Lowe, Morgan, and Roberts—11.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Baird of St. Joseph, Berry, Blair, Carnan, Coilins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, McCord, Moffatt, Mount, Nave, Nickel, Parker, Riley, Stafford, Stevenson, Tannehill, Thompson, Watts, Wright and Williams—37.

So said motion did not prevail.

The question then recurring on the amendment proposed by Mr. Thompson,

Mr. Angle moved to amend said amendment by striking out 8 o'clock and insert 6.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Baird of St. J., Beard of M., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Eggleston, Elliott, Ewing, Hackett, Hargrove, Harris, Lowe, Moffatt, Morgan, Nave, Parker, Roberts, Stafford, Stevenson, and Wright—24.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Bell, Collins, Cravens, Dobson, Everts, Hanna, Herriott, Hoover, Kinzer, McCord, Mount, Nickel, Riley, Thompson, Watts, and Williams—18.

So said amendment prevailed.

Mr. Eggleston moved to lay the resolution and pending amendment on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Baird of St. J., Beard of M., Bell, Carr, Chamberlain, Clark, Eggleston, Evert, Ewing, Hanna, Hargrove, Kinzer, Lowe, Morgan, Mount, Parker, Roberts, Stafford, Tannehill, and Watts—21.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Berry, Blair, Carnan, Collins, Cravens, Dobson, Elliott, Hackett, Harris, Herriott, Hoover, McCord, Moffatt, Nave, Nickel, Riley, Stevenson, Thompson, Williams, Wright—22.

So said motion did not prevail.

The question then being put on the amendment proposed by Mr. Thompson, as amended.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Elliott, Hargrove, Morgan, Nave, Roberts, and Stevenson—7.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hanna, Harris Herriott, Hoover, Kinzer, McCord, Moffatt, Mount, Nickel, Parker, Riley, Stafford, Tannehill, Thompson, Watts, and Wright—33.

So said amendment did not prevail.

The resolution as amended was then adopted.

On motion of Mr. Riley,

Resolved, That the committee on corporations, to which was referred a bill to amend an act incorporating the seminary in the county of Gibson, and for other purposes, inquire whether the county seminary funds can (constitutionally) be divided, and if so, how often they may be so divided.

Mr. Chamberlain moved to take up a joint resolution introduced by him, in relation to Mr. Benton's pre-emption land bill.

Which was not agreed to.

On motion of Mr. Morgan,

The bill to modify the system of internal improvements, was taken up.

Mr. Chamberlain proposed to amend said bill, by placing all the works, named in the second class, into the first class.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Beard of M., Carnan, Chamberlain, Clark, Collins, Dobson, Eggleston, Elliott, Everts, Ewing, Hackett, Hargrove, Harris, Hoover, McCord, Moffatt, Parker, Roberts, and Thompson—19.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Bell, Berry, Blair, Carr, Cravens, Herriott, Kinzer, Lowe, Morgan, Mount, Nave, Nickel, Riley, Stafford, Stevenson, Tannehill, Watts, and Williams—21.

So said amendment was not adopted.

The consideration of said bill having been suspended, Mr. Nave moved to take from the table bill No. 19, of the House, extending the term of payment to borrowers of the sinking, college and saline funds, and of the surplus revenue; which was agreed to.

Mr. Nave proposed the following amendment to said bill, (having withdrawn, with the leave of the Senate, the amendment previously proposed to said bill,) to strike out all after the enacting clause, and insert the following:

Sec. 1. That the time of final payment be extended to the borrowers of the sinking, college, school, and saline funds, and to the borrowers of the surplus revenue, for two years from and after the first day of March, 1841, on condition that they will severally secure the payment of said several sums of money, by mortgage on real estate, (where such security has not already been given,) and annually pay the interest already accrued and to accrue thereon, according to the requirements of the several laws now in force on that subject: and that they will severally undertake to pay over and above the interest accrued and to accrue, on said loans, five per centum in damages, for the use of the attorney, on such sum or sums of money, as may be hereafter collected from either of them, where the same has to be collected by law. And, also, it is hereby made the duty of the several individuals, authorized to loan said funds, to furnish the borrowers thereof with blank mortgages, for the purpose of securing the payment of said loans.

Sec. 2. Be it further enacted, That the several individuals now authorized by existing laws, to loan the moneys, in the first section of this act named, be hereafter authorized to loan the same on mortgaged security on real estate at the same rate of interest now required under the laws now in force on that subject, and on the same conditions that are in the first section of this act named, and none other.

Sec. 3. Be it further enacted, That this act shall take effect, and be in force from and after its passage.

Mr. Hargrove moved to amend the bill, by striking out that part requiring the agents to furnish mortgages.

On motion of Mr. Moffatt,

The bill and amendments were laid on the table.

Mr. Eggleston moved to take from the table bill No. — reported by the committee on finance, in relation to the surplus revenue, which was not agreed to.

Mr. Collins introduced bill No. 134, to amend an act relating to crime and punishment, approved Feb. 10, 1831, which was read the first and second times, the rule having been suspended, and referred to the committee on the judiciary.

The consideration of the bill to modify the system of internal improvement, was again resumed, and,

The question being on the motion of Mr. Thompson to strike out, and insert as provided by his amendment.

A division was called for, and the question being on striking out,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Armstrong, Baird of St. J., Beard of M., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Elliott, Everts, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, McCord, Moffatt, Nave, Parker, Riley, Roberts, Thompson, Watts, and Wright—33.

Those who voted in the negative were,

Messrs. Angle, Bell, Cravens, Lowe, Morgan, Mount, Nickel, Stafford, Stevenson, Tannehill, Test, and Williams—11.

So the motion to strike out prevailed.

The question was then on inserting, as proposed by the amendment.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Blair, Carr, Clark, Cravens, Eggleston, Hackett, Hargrove, Kinzer, Lowe, McCord, Morgan, Nickel, Thompson and Watts—16.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Carnan, Chamberlain, Collins, Dobson, Elliott, Everts, Ewing, Hanna, Harris, Herriott, Hoover, Moffatt, Mount, Nave, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Williams and Wright—29.

So said amendment was not adopted.

Mr. Parker moved to fill the blank with the following:

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the public works, the completion of which is contemplated by the act of 1836, be and the same are hereby classified in the manner following, to-wit:

1st. The White Water canal from Brookville to the first feeder dam below Connersville, together with the other unfinished contracts on said canal; the Madison and Indianapolis Rail Road from Vernon to Edinburg; the New Albany and Vincennes Turnpike Road, except the metaling west of Paoli, and the two bridges across the White rivers; the grading and the bridging of the Turnpike Road from Greencastle through Crawfordsville to Lafayette; and the grading and bridging of the Turnpike Road from Jeffersonville through New Albany to Salem, shall constitute the first class.

2d. The Central canal, north from Port Royal; the Erie and Michigan canal, from Fort Wayne to the Middle Fork reservoir, in Noble county; the grading and bridging of the Turnpike road from Salem, through Bedford, Bloomington and Spencer to Greencastle; the completion of the Cross-cut canal and the central canal from its intersection with the Cross-cut south to Evansville; the metaling of the Road between Jeffersonville and New Albany; between Paoli and Mt. Pleasant; and between Crawfordsville and Lafayette; the completion of the Rail Road from Edinburg to Indianapolis; and of the White Water canal to the National Road, shall constitute the second class.

3d. The completion of the Michigan and Erie canal; the completion of the Central canal from Port Royal through to the Cross-cut; the completion of the metaling of the Jeffersonville and Crawfordsville Turnpike road; the completion of the Indianapolis and Lafayette Turnpike road; the completion of the New Albany and Vincennes Turnpike road; the completion of the White Water canal to the mouth of Nettle creek, and the connection of the same with the Central canal; "and last though not least" the completion of the Rail Road from the depot at the top of the hill, through the "deep diggins" into the city of Madison, shall constitute the third class: *Provided however,* That nothing in this act shall be so construed as to prevent the completion, at any time, of that portion of the Cross-cut canal between the Eel river feeder dam and Terre Haute, agreeably to any provisions that may be adopted by this General Assembly: *Provided further,* That nothing in this act shall be so construed as to prevent the application of the appropriations heretofore made, for removing the obstructions to the navigation of the Wabash river below Vincennes: *Provided further,* That so soon as the claim of this State to the lands for the construction of the Wabash and Erie canal from Lafayette to Terre Haute, shall be ratified by Congress, said portion of said canal shall be taken up and prosecuted to completion without any unnecessary delay; and the holder of any certificate given for labor done on said canal east of Lafayette, upon delivering such certificate to the Chief Engineer to be cancelled, shall receive from said Engineer, in lieu thereof, smaller certificates to an equal amount, of such denominations as may be designated by the holder,

so the lowest denomination shall not be less than fifty dollars; and all said certificates, whether exchanged or not, shall be receivable in payment for any of the lands sold heretofore or hereafter to be sold on account of said canal east of the mouth of Tippecanoe river, and all said certificates shall bear interest from this date.

Sec. 2. All the work provided to be done in the first class shall be first taken up and vigorously prosecuted to completion; and then the work provided to be done in the second class shall be taken up and vigorously prosecuted to completion; and finally, the work in the third class shall be taken up and prosecuted to completion. But for the purpose of preventing a sudden discharge of, and then again a sudden demand for, force upon the public works, it shall be lawful so soon as any one work in the first class shall have been completed, as in said class provided, to take up some one work in the second class; and likewise, so soon as any one work in the second class shall have been completed as in said class provided, it shall be lawful to take up some one work in the third class: *Provided however*, That no work in the second class shall be completed until all the work herein provided to be done in the first class shall have been finished; and so also, no work in the third class shall be completed until all the work herein provided to be done in the second class shall have been finished.

Sec. 3. That for the purpose of progressing with the public works agreeably to the modified scheme herein prescribed, the suspended debt of the State in the East and the securities thereof, shall be converted into cash or available assets, as soon as practicable, upon the best terms that can be had, unless the probability shall be strong that the interest of the state will be decidedly promoted by further delaying the conversion aforesaid. And for further means it shall be lawful to dispose of the American Bonds of the State: *Provided however*, That no Bonds shall be disposed of to draw a greater rate of interest than six per cent. per annum, or upon any other terms than shall be the same to the State as cash in hand, equal in amount at least to the face of the Bonds: *Provided further*, That all means at the disposal of the State, at any time, arising from the Eastern debt or otherwise, shall always be deemed, when the same is indispensable, as irrevocably set apart, in preference to all other purposes, for the preservation of the faith of the State, by the regular and prompt payment of the interest on the State debt.

Mr. Chamberlain moved to re-commit the bill and pending amendment to the committee on canals and internal improvements;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Chamberlain, Eggleston, Ewing, Kinzer, McCord, Roberts, Test, Thompson, Williams and Wright—11.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Beard of Montgomery, Bell, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Elliott, Everts, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Stafford, Stevenson, Tannehill and Watts—34.

So said motion did not prevail.

Mr. Angle moved to amend the amendment by striking out "Green fork feeder dam" in the 2d section and insert "Laurel feeder dam;"

A division being called for;

The question was on striking out;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. J., Bell, Berry, Blair, Carr, Chamberlain, Cravens, Eggleston, Hackett, Hargrove, Harris, Kinzer, McCord, Morgan, Nickel, Roberts, Stafford, Thompson, Watts and Arion—22.

Those who voted in the negative were,

Messrs. Aker, Beard of M., Carnan, Clark, Collins, Dobson, Elliott, Hanna, Herriott, Hoover, Lowe, Moffatt, Mount, Nave, Parker, Riley, Stevenson, Tannehill, Test, Williams and Wright—21.

So the motion to strike out prevailed.

Mr. Harris moved to re-consider the vote just taken on striking out, and,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Beard of M., Carnan, Clark, Collins, Dobson, Elliott, Everts, Hanna, Harris, Herriott, Hoover, Lowe, Moffatt, Mount, Nave, Parker, Riley, Stevenson, Tannehill, Test, Thompson, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Baird of St. J., Bell, Berry, Blair, Carr, Chamberlain, Cravens, Eggleston, Ewing, Hackett, Hargrove, Kinzer, McCord, Morgan, Nickel, Roberts, Stafford and Watts—21.

So said vote was re-considered.

The question recurring on striking out, and,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Bell, Berry, Blair, Carr, Chamberlain, Cravens, Eggleston, Hackett, Hargrove, Kinzer, McCord, Morgan, Nickel, Roberts, Stafford and Watts—18.

Those who voted in the negative were,

Messrs. Aker, Arion, Baird of St. J., Beard of Mont., Carnan, Clark, Collins, Dobson, Elliott, Everts, Hanna, Harris, Herriott, Hoover, Lowe, Moffatt, Mount, Nave, Parker, Riley, Stevenson, Tannehill, Test, Thompson, Williams, and Wright—26.

So the motion to strike out was last.

On motion, the Senate adjourned.

TUESDAY MORNING, JANUARY 26, 1841.

The Senate assembled.

The President laid before the Senate the following communication from his Excellency the Governor, which was read and laid on the table:

EXECUTIVE DEPARTMENT, }
JANUARY 25, 1841. }

HON. SAMUEL HALL,

President of the Senate:

Sir—William J. Peaslee, Esqr. Prosecuting Attorney, of the 5th Judicial Circuit, has this day resigned said office, of which please inform the House over which you preside.

Yours respectfully,

SAMUEL BIGGER.

Also, the following communication, which was read and laid on the table:

HON. SAMUEL HALL,

President of the Senate:

Sir,—Will you please to lay the following report before the Senate?

Very respectfully,

E. D. MAC MASTER.

*To the Honorable the General Assembly
of the State of Indiana:*

The board of trustees of Hanover college respectfully present the following annual report of the condition of the institution, for the collegiate year ending September 30, 1840, in compliance with a requisition of their charter.

The following gentlemen compose the faculty at the present time, viz: Rev. E. D. Mac Master, President and professor of mental and moral science; Rev. J. Finley Crowe, D. D., professor of logic and rhetoric; Hon. Miles C. Eggleston, professor of law; Thomas W. Hynes, A. M., professor of mathematics and natural science; Rev. Charles K. Thompson, A. M., professor of the Greek and Latin languages; M. Sturgus, A. M., professor of modern languages, and principal of the preparatory department.

The annual catalogue (a copy of which is herewith transmitted,) exhibits the following summary of students for the year, viz:

In Law,	9
Under graduates in the College classes,	45
Preparatory department,	51
Total,	105

The course of studies (a copy of which accompanies the catalogue,) has been considerably enlarged by the introduction of new branches, without any diminution of the amount of study accomplished in those previously pursued. It is hoped that the course, already it is believed, as extensive and as fully accomplished by the students, as that of any other college in the western States, may hereafter be gradually still farther extended with advantage to the young men who may resort to the institution to obtain an education.

A plan for the endowment of the college was some time since adopted, and partially executed with very encouraging promise of entire success. The completion of it has been temporarily suspended on account of the prevalent embarrassment in the monetary affairs of the country. It is intended soon to resume its execution. The general prospects of the institution for permanent and extensive usefulness, it is believed, are as encouraging as at any former period.

All which is respectfully submitted.

By order of the Board of Trustees,

E. D. MAC MASTER, Sec'y.
Hanover College, Sept. 30, 1840.

Mr. Lowe presented the petition of Abner Conde and others praying that the militia law may be revived, which was referred to the committee on military affairs.

Mr. Collins made the following report:

MR. PRESIDENT—

The committee on elections to which was referred bill of the Senate, No. 111, entitled a bill to prevent frauds in elections, have according to order had the same under consideration, have made sundry amendments thereto, and have instructed me to report the same back, ask the concurrence of the Senate in said amendments, and recommend the passage of said bill so amended.

The report was concurred in.

Mr. Nave moved to amend said bill by striking all out after the word "dollars" in the 8th section; which was not adopted.

Mr. Nave moved to amend said bill, by striking out that part relating to the penalty attached to voting twice.

Mr. Nave moved to lay said bill and proposed amendments on the table; which did not prevail.

The question was then put on striking out.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Baird of St. J., Beard of M., Bell, Dobson, Elliott, Hackett, Hanna, Hargrove, Hoover, Morgan, Mount, Nave, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Watts, Williams, and Wright—24.

Those who voted in the negative were,

Messrs. Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Eggleston, Harris, Kinzer, Lowe, McCord, Nickel, Parker—15.

So the motion to strike out the words proposed, prevailed.

Mr. Angle moved to fill the blank as follows:

"Fined in any sum not less than fifty dollars nor exceeding five hundred, and be disfranchised for any number of years, at the discretion of the court or jury trying the same."

Mr. Bell moved to amend the amendment by striking out "fifty" and inserting "twenty," which was not agreed to; and the amendment was adopted.

Mr. Carnan moved to amend said bill, by striking out the proviso, which amendment prevailed, and said bill was ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Elliott,

The bill to modify the system of internal improvement was taken up.

The question pending, was on inserting the amendment proposed by Mr. Parker.

Mr. Clark moved to amend the amendment, by inserting the words "thence to salt creek," after the word "Salem."

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Berry, Carnan, Clark, Collins, Dobson, Ewing, Hackett, Kinzer, Riley, and Roberts—10.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Blair, Carr, Chamberlain, Cravens, Eggleston, Elliott, Everts, Hanna, Hargrove, Harris, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Stafford, Stevenson, Tannehill, Thompson, Watts, Williams, and Wright—34.

So said amendment was not adopted.

Mr. Ewing moved to amend said amendment, as follows:

"And to issue like certificates for the enlargement of the St. Joseph feeder, and to complete other items of work necessary for the preservation and completion of said Wabash and Erie canal, to be done under the supervision of the chief engineer; and that a commissioner in lieu of a superintendent, reside upon said canal, as heretofore, at the city of Fort Wayne, to take charge thereof, as required by law, of the commissioner of the Wabash and Erie canal, and to give bond to the satisfaction of the Governor, for the faithful performance of his duty: to receive three dollars per day for every days actual service, not to exceed \$1,000 per annum, and to be elected by joint ballot, and subject to be removed by joint resolution."

Which was not adopted.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Cravens, leave being granted, introduced bill No. 135, to carry into effect an act entitled, an act to establish a State road therein named, which was read three several times, the rule having been suspended, and passed.

Mr. Angle, leave being granted, made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred a bill of the House of Representatives, No. 207, entitled, a bill to incorporate the Trustees of the Parsonage of the Methodist Episcopal Church of the Brookville circuit, have had that subject under consideration, and have directed me to report the same back to the Senate without amendment and recommend its passage.

The report was concurred in, and said bill read a third time and passed.

ORDERS OF THE DAY.

Bill No. 116, of the Senate, for the relief of Joseph H. Hendricks, was read a third time and passed.

Bill No. 119, of the Senate, a joint resolution on the subject of the State bank of Indiana, was read a third time and passed.

No. 150, of the House, for the relief of the Miami tribe of Indians, was read a third time.

Mr. Test moved to re-commit said bill to a select committee, with instructions to strike out all but the last section.

Mr. Ewing moved to indefinitely postpone said bill.

Mr. Elliott moved to lay said bill on the table, which motion prevailed.

Bill, No. 173, of the House, to incorporate the Trustees of the Daviess county Seminary,

Was read the third time and passed.

On motion of Mr. Elliott,

Bill, No. 150, for the relief of the Miami tribe of Indians, was taken from the table;

And the question being on the motion of Mr. Ewing, to indefinitely postpone said bill,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Bell, Cravens, Ewing, Hanna, Stafford, and Wright—6.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Beard of Mont., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Elliott, Everts, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Morgan, Mount, Nave, Nickel, Parker, Stevenson, Tannehill, Test, Thompson, Watts and Williams—33.

So said motion did not prevail.

The question was then taken on the motion of Mr. Test to recommit, and decided in the negative.

Mr. Chamberlain moved to recommit said bill to a select committee, with instructions to strike out the last section.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Bell, Chamberlain, Everts, Hanna, Hoover, Lowe, Mount, and Williams—8.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Beard of M., Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Elliott,

Ewing, Hackett, Hargrove, Harris, Kinzer, McCord, Morgan, Nave, Nickel, Parker, Riley, Stafford, Stevenson, Tannehill, Test, Thompson, Watts and Wright—32.

So said motion did not prevail.

And then said bill was passed.

Bill, No. 226, of the House, to amend "an act for the relief of the poor," approved February 17, 1838, so far as relates to Marion county,

Was read a third time and passed.

On motion of Mr. Berry,

Bill, No. 82, of the Senate, to authorize Enos Blair, former Collector of Monroe county, yet to collect any taxes remaining due and unpaid for the years 1836, 1837 and 1838,

Was taken up, read the third time and passed.

The orders of the day having been suspended, the bill to modify the system of Internal Improvement, was taken up.

Mr. Bell proposed the following amendment to the amendment:

"And the Board of Internal Improvement are hereby authorized to receive any part of the debt due the State from the Morris Canal and Banking Company in rail road iron, and apply the same in the construction of the Madison and Indianapolis Rail Road, that may be necessary to carry out the provisions in the first section of this act, any law passed at the present session of the General Assembly to the contrary notwithstanding; subject, however, to the last proviso:"

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Beard of M., Bell, Carnan, Carr, Elliott, Hanna, Herriott, Hoover, Moffatt, Nave, Nickel, Stafford, Stevenson and Tannehill—18.

Those who voted in the negative were,

Messrs. Baird of St. Joseph, Berry, Blair, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Mount, Parker, Riley, Test, Thompson, Watts, Williams and Wright—26.

So said amendment was not adopted.

Mr. Stafford moved to amend the amendment, by striking out "Port Royal" and inserting "Martinsville," in the second section.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Berry, Chamberlain, Clark, Dobson, Ewing Hanna, Herriott, Nave, Stafford, Stevenson and Tannehill—12.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Blair, Carnan, Carr, Collins, Cravens, Eggleston, Elliott, Everts, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nickel, Parker, Riley, Test, Thompson, Watts, Williams and Wright—32.

So said amendment was not adopted.

Mr. Blair moved to amend the amendment, as follows:

Provided further, that in case Congress shall not confirm the title to the lands claimed by the State for the construction of the continuation of the Wabash and Erie canal, from the mouth of Tippecanoe river to Terre Haute, then and in that case the said canal shall constitute a portion of the first class.

Which was not adopted.

Mr. Ewing moved to amend the amendment, by adding to the section providing for the redemption of land certificates, the following:

"And to issue like certificates for the enlargement of the St. Joseph's feeder, and to complete other items of work necessary for the preservation and completion of the Wabash and Erie canal;"

Which did not prevail.

Mr. Angle moved to amend the amendment, as follows:

Strike out of the first section all that relates to the New Albany and Crawfordsville turnpike road, and also the turnpike road leading from Crawfordsville to Lafayette;

Which was not adopted.

Mr. Thompson moved to amend the amendment, as follows:

"Strike out of the first class so much as relates to the road between Greencastle and Crawfordsville;"

Which was not agreed to.

The question was then put on adopting the amendment proposed by Mr. Parker, and

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Carnan, Carr, Collins, Dobson, Elliott, Everts, Ewing, Hackett, Hanna, Harris, Herriott, Hoover, Moffatt, Mount, Nave, Parker, Riley, Stevenson, Tannehill, Test, Williams and Wright—29.

Those who voted in the negative were,

Messrs. Angle, Blair, Chamberlain, Clark, Cravens, Eggleston, Hargrove, Kinzer, Lowe, McCord, Morgan, Nickel, Stafford, Thompson and Watts—15.

So the blank in said bill was filled by said amendment.

Mr. Hanna moved to amend said bill by adding, as follows:

That should the amount of funds obtained by the fund commissioners by collections of the suspended debt in the East, or the sale of the securities thereof, or the sale of American Bonds, as contemplated by the foregoing provisions of this act, be insufficient to complete any one of the works named in the first class of public works, then, it shall be the duty of the Board of Internal Improvements to apply the several sums that may be obtained to that work which, when completed, will in their opinion yield the greatest amount of tolls, or to the protection and security of the works or parts of works that may have been completed."

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Bell, Ewing, Hanna, Herriott, Hoover, Lowe, Nave, Nickel, Stafford, Tannehill and Thompson—13.

Those who voted in the negative were,

Messrs. Aker, Armstrong, Baird of St. Joseph, Beard of M., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Hackett, Hargrove, Harris, Kinzer, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stevenson, Test, Watts, Williams and Wright—31.

So the bill was not so amended.

Mr. Armstrong moved to reconsider the vote taken on the adoption of Mr. Parker's amendment.

Mr. Elliott moved the previous question, and

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Beard of M., Carnan, Collins, Elliott, Everts, Hackett, Hanna, Harris, Herriott, Hoover, Moffatt, Mount, Parker, Riley, Test and Williams—18.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Carr, Chamberlain, Clark, Cravens, Dobson, Eggleston, Ewing, Hargrove, Kinzer, Lowe, McCord, Morgan, Nave, Nickel, Stafford, Stevenson, Tannehill, Thompson, Watts and Wright—26.

So said call was not seconded.

The question then recurred on the motion of Mr. Armstrong, and The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Carr, Chamberlain, Clark, Cravens, Eggleston, Ewing, Hargrove, Kinzer, Lowe, McCord, Morgan, Nickel, Stafford, Thompson and Watts—20.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Beard of Mont., Carnan, Collins, Dobson, Elliott, Everts, Hackett, Hanna, Harris, Herriott, Hoover, Moffatt, Mount, Nave, Parker, Riley, Stevenson, Tannehill, Test, Williams and Wright—24.

So the motion to reconsider did not prevail.

Mr. Blair moved to amend said bill by adding to the proviso the following:

“And said improvement at the Wabash Rapids shall be prosecuted agreeable to the true intent of the Internal Improvement act of 1836;

Which did not prevail.

The question then being on a motion to consider said bill as engrossed, and be read a third time now, and

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Beard of M., Carnan, Collins, Dobson, Elliott, Everts, Hackett, Hanna, Harris, Herriott, Hoover, Moffatt, Mount, Nave, Parker, Riley, Stafford, Stevenson, Tannehill, Test, Williams, and Wright—24.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. J., Bell, Berry, Blair, Carr, Chamberlain, Clark, Cravens, Eggleston, Ewing, Hargrove, Kinzer, Lowe, McCord, Morgan, Nickel, Thompson, and Watts—20.

So said motion prevailed, and said bill was read a third time;

And the question being put; shall said bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Beard of M., Berry, Carnan, Collins, Dobson, Elliott, Everts, Hackett, Hanna, Harris, Herriott, Hoover, Maffatt, Mount, Nave, Parker, Riley, Stevenson, Tannehill, Test, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Bell, Blair, Carr, Chamberlain, Clark, Cravens, Eggleston, Ewing, Hargrove, Kinzer.

Lowe, McCord, Morgan, Nickel, Roberts, Stafford, Thompson, and Watts—21.

So said bill was passed.

Ordered, That the Secretary inform the House of Representatives thereof.

The following message was received from the House of Representatives, by Mr. Defrees, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the amendments of the Senate to bills of the House as follows:

No. 130, to extend the benefits of an act entitled, an act to incorporate the Marion Fire Engine Company, approved, January 20, 1838;

No. 159, to incorporate the town of Carlisle, in Sullivan county;

No. 206, to amend an act to incorporate the Liverpool Bridge Company;

No. 243, repealing an act regulating the jurisdiction of justices of the peace in Madison county, approved, February 17, 1838;

No. 254, providing for an additional term of the circuit court in Delaware county.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed bills of the Senate, to-wit:

No. 82, an act to incorporate the Logansport Trading and Manufacturing company;

Also, the following enrolled with the engrossed bills of the House of Representatives;

No. 128, an act to incorporate the Euterpean Band of South Bend;

No. 176, an act to amend an act for the relief of John Rodolph Fischli, approved, February 18, 1839;

No. 185, an act declaring Patoka a public highway, and for other purposes;

No. 242, an act for the relief of Edmund Clark, collector of Hendricks county;

No. 247, an act to remove the disability of Anna Maria Gile,

And have found the same truly enrolled.

The following message was received from the House of Representatives by Mr. Montgomery, a member:

MR. PRESIDENT—

The speaker having signed the following enrolled bills of the House:

No. 128, an act to incorporate the Euterpean Band of South Bend;

No. 176, an act to amend the act for the relief of John Rodolph Fischli, approved, February 18, 1839;

No. 185, an act declaring Patoka a public highway, and for other purposes;

No. 242, an act for the relief of Edmund Clark, collector of Hendricks county;

No. 247, an act to remove the disability of Anna Maria Gile.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

On motion, the Senate adjourned.

WEDNESDAY MORNING, JAN. 27, 1841.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Butler, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 258, an act fixing the time of holding courts in the fourth judicial circuit;

In which the concurrence of the Senate is respectfully requested.

Bill No. 258, of the above message, was twice read, the rule having been suspended, and

On motion of Mr. Thompson, referred to a select committee of Messrs. Thompson, Hargrove, and Roberts.

The following message was received from the House of Representatives, by Mr. Smydth, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bills of the Senate, as follows, without amendment;

No. 79, an act to authorize School Commissioners to refund money in certain cases therein named;

No. 95, an act regulating the time of holding courts in the first judicial circuit, and for other purposes;

Also the following engrossed bills and joint resolution of the House:

No. 218, an act repealing the 8th section of an act incorporating the Leesburgh School Society, approved, February 17, 1840;

No. 220, an act to change the name of the town of Milford, in Warren county;

No. 228, a joint resolution relative to the extension of pre-emption rights;

N. 257, an act for the relief of George D. Moore, of Randolph county;

No. 244, an act for the relief of J. B. Moulton, Geo. D. Prentice, and Geo. W. Weissinger;

In which the concurrence of the Senate is respectfully requested.

Bill No. 218 of the above message, was read three several times, the rules being suspended, and passed.

No. 228 of the message, was read the first time and passed to a second reading.

No. 257 of the message was read three several times, the rule having been suspended and passed;

Bill No. 244 of the message, was twice read, the rules having been suspended, and referred to the committee on canals and internal improvements.

Bill No. 220 of the message, was read three several times, and passed.

The following message was received from the House of Representatives by Mr. Hager their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House insists on the first amendment of the House to bill of the Senate,

No. 25, an act to amend an act entitled an act subjecting real and personal estate to execution, approved, February, 4, 1831,

And has agreed to the amendment of the Senate to the amendment of the House to said bill of the Senate.

The House has also passed engrossed bills thereof as follows:

No. 49, an act the better to provide for annual supplies of paper, stationary, lights, and fuel, for State purposes;

No. 121, an act to amend an act to authorize the loaning of the College Fund;

No. 119, an act regulating the salaries of Auditor, Treasurer, and Secretary of State;

In which the concurrence of the Senate is respectfully requested.

Mr. Bell moved that the Senate recede from their disagreement to the amendment of the House to Bill No. 25 of the above message;

Which did not prevail.

On motion of Mr. Parker, a committee of free conference was appointed to meet a similar one on the part of the House, to consider the disagreement of the two Houses, on said amendment, and

Messrs. Parker and Hanna were appointed said committee.

Ordered, That the Secretary inform the House thereof.

Bill No. 49 of the message, was read twice, the rule having been suspended, and referred to the committee on the judiciary.

Bill No. 121 of the message, was read twice, the rule having been suspended, referred to the committee on finance.

Bill No. 119 of the message, was twice read, the rule having been suspended, and referred to the committee on finance,

Mr. Moffatt moved to take up bill No. 193, providing for the completion of the Cross-cut Canal.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carr, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Elliott, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, McCord, Moffatt, Morgan, Mount, Parker, Riley, Roberts, Tannehill, Thompson, Williams and Wright—33.

Those who voted in the negative were,

Messrs. Lowe, Nave, Nickel, and Stafford,—4.

So said motion prevailed.

On motion of Mr. Dobson,

The rule was suspended, and said bill read a third time; and

On motion of Mr. Eggleston,

Said bill was referred to the committee on canals and internal improvements, with the following instructions:

With instructions to call upon the board of internal improvements for such information relative to said work as may be in their possession and the means necessary to be adopted to secure the interests of the State.

The following message was received from the House of Representatives, by Mr. Freeman, a member:

Mr. PRESIDENT—

The House of Representatives have passed the following engrossed bills thereof:

No. 227, an act supplemental to an act subjecting real and personal property to execution, approved February 4th, 1831;

No. 270, an act regulating the time of holding courts in the county of Madison, in the 11th judicial circuit;

In which the concurrence of the Senate is respectfully requested.

Bill No. 270 of the message was read three several times, the rule having been suspended, and passed.

Bill No. 227, of the message was read the first time.

Mr. Thompson moved to suspend the rule and read the bill a second time now.

Mr. Eggleston moved to reject said bill.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Beard of Montgomery, Carnan, Clark, Collins, Eggleston,

Elliott, Hargrove, Kinzer, McCord, Parker, Riley, Roberts, Thompson and Williams—14.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Carr, Chamberlain, Cravens, Dobson, Everts, Ewing, Hackett, Hanna, Harris, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Stafford, Stevenson, Tannehill, and Wright—29.

So said motion did not prevail.

The rule was then suspended, and said bill read the second time.

Mr. Thomson moved to refer said bill to a select committee of one from each judicial circuit.

Mr. Eggleston moved to commit said bill to the committee on the judiciary.

A division being called for,

The question was on committing;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Beard of Montgomery, Blair, Carnan, Chamberlain, Cravens, Eggleston, Everts, Hackett, Herriott, Kinzer, Morgan, Mount, Parker, Roberts, Stafford, Stevenson, Thompson, and Williams—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. Joseph, Bell, Berry, Carr, Clark, Collins, Dobson, Ewing, Hanna, Hargrove, Harris, Hoover, Lowe, McCord, Moffatt, Nave, Nickel, Riley, Tannehill, and Wright—22.

So the motion to commit did not prevail.

Mr. Clark moved to amend said bill by striking it out from the enacting clause, and inserting the following:

Be it enacted by the General Assembly of the State of Indiana, That whenever any judgment debtor is not able, or neglects to take the stay, as provided by the laws now in force, his, her, or their property shall be sold on the same credit, for which he might have taken the stay; and in such case the officer making the sale shall take bond with security from the purchaser, which shall have the effect of a judgment; and execution may issue upon the same as in other cases, and no stay shall be allowed thereon.

Said bonds taken as aforesaid, shall be filed by the officer taking the same, with the clerk or justice issuing the execution at the same time of returning the execution: *Provided, That the provisions of this act shall not extend to any Bank corporation or Savings institution.*

A division being called,

The question was on striking out,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Beard of Montgomery, Berry, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Hackett, Hargrove, Kinzer, McCord, Morgan, Mount, Riley, Roberts, Stevenson, Thompson, and Williams—22,

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. Joseph, Bell, Carr, Chamberlain, Dobson, Everts, Ewing, Hanna, Harris, Herriott, Hoover, Lowe, Moffatt, Nave, Nickel, Parker, Stafford, Tannehill, and Wright—21.
So the motion to strike out prevailed.
On motion, the Senate adjourned.

2 o'clock. P. M.

The Senate assembled.

The President being absent, on account of ill health, on motion of Mr. Berry, Mr. Beard of Montgomery was called to the chair.

Mr. Stevenson asked leave to introduce a resolution, referring to the judiciary committee, a memorial of the agent of the board of trustees of the Indiana Asbury University, praying for the passage of an act enabling the board in their corporate capacity, to sue on certain subscriptions made to said University.

Leave was granted and said resolution adopted.

Mr. Nave, leave being granted, introduced

Bill No. 136, repealing all laws now in force authorizing the sale of bonds for internal improvement purposes;

Which was read the first time and passed to a second reading.

The Senate resumed the consideration of the amendment which was pending at the last adjournment.

Mr. Eggleston moved to amend the amendment by reading as follows:

Sec. That whenever the fee simple of any real estate shall be sold by virtue of any execution, the fee simple owner of the same or any junior judgment creditor or mortgagee shall be allowed to redeem said property and restore his original interest in the same by paying to the purchaser thereof within one year from and after the day of such sale, the amount of the purchase money and twelve and one half per cent. interest thereon, reserving to the purchaser the rents and profits of such real estate until the time of such redemption.

Sec. In all cases where property shall be redeemed under the provisions of this act by any junior judgment creditor or mortgagee the said real estate shall be held and considered as mortgaged for the amount of money so paid for the said redemption.

This act to be in force for two years from and after its passage.

Mr. Angle moved to commit said bill and amendment to a select committee.

Which was agreed to.

And Messrs. Angle, Bell, Dobson, Baird of St. Joseph, Carnan and Harris, were appointed said committee.

ORDERS OF THE DAY.

Bill No. 83, of the Senate, to amend an act entitled an act incorporating Congressional Townships and providing for public schools therein;

Was read a second time.

Mr. Wright moved to amend by adding after the word "failure," in the first section, the words "within two years after such heirs shall come of age."

Mr. Lowe moved to refer said bill to the committee on education;

Which did not prevail.

And the amendment of Mr. Wright was adopted and said bill read a third time and passed.

Bill No. 84, of the Senate, for the relief of Henry Goode of the county of Boone,

Was read a second and third times and passed.

Bill No. 85, of the Senate, to change a state road therein named,

Was read a second and third times and passed.

Bill No. 86, of the Senate, to authorize the Seminary Trustees of Randolph county to borrow money and for other purposes,

Was read a second and third times.

Mr. Cravens moved to commit said bill to a select committee, with instructions to strike out so much as relates to the want of the surplus revenue.

A division being called for,

The question was on committing,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Blair, Carr, Clark, Collins, Cravens, Eggleston, Ewing, Hackett, McCord, Moffatt, Morgan, Riley, Roberts, and Thompson—16.

Those who voted in the negative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Carnan, Chamberlain, Dobson, Elliott, Everts, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, Mount, Nave, Nickel, Parker, Stafford, Tannehill, and Williams—25.

So the motion to commit did not prevail.

The question being put, shall said bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Beard of Montgomery, Bell, Berry, Chamberlain, Dobson, Elliott, Everts, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, Mount, Nave, Parker, Stafford, Tannehill, Williams and Wright—22.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Blair, Carr, Clark, Collins, Cravens, Eggleston, Ewing, Hackett, McCord, Moffatt Morgan, Nickel, Riley, Roberts and Thompson—18.

So said bill was passed.

Bill No. 89, of the Senate, for the relief of Orson Willard,

Was read the second and third times and passed.

No. 88, of the Senate, a joint resolution of the General Assembly of the State of Indiana, on the subject of Mr. Benton's bill to establish a permanent pre-emption system in favor of settlers on the public lands who shall inhabit and cultivate the same and raise a log cabin thereon,

Was read a second time.

Mr. Eggleston moved to amend said joint resolution by striking out all after the resolving clause and inserting the following, so as to instruct our Senators and request our Representatives to vote for said bill with the following amendment, to-wit: to provide,

1st. To distribute the proceeds of the sales of the public lands among the several States of the Union in just and equitable proportions.

2d. To grant to actual bona fide settlers upon the public lands the right of pre-emption to any quantity thereof not exceeding one half section, or 320 acres, including place of settlement, at the minimum price of \$1 25 per acre, with such provisions as shall limit this right of settlement and pre-emption to actual bona fide settlers whose estate at the time of settlement shall not exceed the value of \$1,000; and further, with such provisions as shall effectually exclude the wealthier speculators from all benefits under this law, and shall prevent them from interfering with, or participating in, the privileges and right of settlement and pre-emption which are hereby granted and intended for the sole advantage of the needy and honest settlers and cultivators of the soil.

Mr. Lowe moved to amend the amendment by striking out all that portion relating to the distribution of the proceeds of the public lands.

Mr. Hanna moved to lay said joint resolution and pending amendments on the table;

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Aker, Bell, Berry, Hanna, Herriott and Wright—6.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of M., Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Williams and Arion—36.

So said motion did not prevail.

The question then recurred on the amendment to the amendment; The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Berry, Carr, Chamberlain, Dobson, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts and Tannehill—12.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Thompson, Williams and Wright—30.

So said amendment did not prevail.

The question was then put on the adoption of the amendment proposed by Mr. Eggleston;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Baird of St. J., Beard of Mont., Bell, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Thompson, Williams and Wright—30.

Those who voted in the negative were,

Messrs. Berry, Carr, Chamberlain, Dobson, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts, and Tannehill—12.

So said amendment was adopted.

Mr. Ewing moved to suspend the rule and read said joint resolution a third time now.

Mr. Dobson moved to amend said resolution as follows:

And also that they be instructed *particularly* not to forget the distribution part of the resolution.

Mr. Carnan moved to amend said amendment by adding as follows:

And that the Representative in Congress from the second congressional district of this State be specially instructed to obtain a repeal of the duty on sugar and coffee.

On motion of Mr. Stevenson, said amendments were laid on the table.

The motion to suspend the rule prevailed, and said joint resolution was read a third time;

And the question being put, Shall said joint resolution pass?

The ayes and noes being ordered;

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Thompson, Williams and Wright—30.

Those who voted in the negative were,

Messrs. Berry, Carr, Chamberlain, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts and Tannehill—11.

So said joint resolution passed.

Bill No. 89, of the Senate, to prohibit the taking of special bail except in certain cases,

Was read the second time and referred to the judiciary committee.

Bill No. 92, to amend an act amendatory to an act concerning the Seminary townships of land in Gibson and Monroe counties, approved Jan. 21, 1837, approved Feb. 20, 1840,

Was read a second time and referred to the committee on education.

Bill No. 93, to regulate the time of holding circuit court within the second judicial circuit of Indiana,

Was read a second and third times and passed.

Bill No. 94, of the Senate, for the relief of purchasers of the Wash and Erie canal lands,

Was read a second time and referred to the committee on the judiciary.

Bill No. 96, of the Senate, for the benefit of William T. Spurrier and others, was read a second time.

Mr. Collins moved to amend said bill as follows:

Amend 3d line, 1st section by inserting after the word "wife" "and Henry Dow, jr."

In 9th line of 1st section, after the word "road" insert "or the Jeffersonville and Crawfordsville road."

Which were agreed to.

And said bill was referred to the committee on canals and internal improvements.

Bill No. 99, of the Senate, relative to the duties of the agents of the Surplus Revenue, and for other purposes,

Was read the second time, and,

On motion of Mr. Nave, laid on the table.

Bill No. 100, of the Senate, for the relief of Charles Martens and Christiana Caroline Martens,

Was read a second time.

Mr. Stevenson moved to indefinitely postpone said bill;

Which motion prevailed.

Mr. Harris made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House of Representatives, to-wit:

No. 129, an act for the incorporation of the Bristol Manufacturing company;

No. 154, an act providing for draining swamps, ponds, marshes, bogs and other low lands within the county of Spencer;

No. 156, an act for the relief of school district No. 3, in township No. 6, south of range No. 10 west, in Vanderburgh county;

And have found the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Hager, their Clerk:

MR. PRESIDENT:

The Speaker having signed the enrolled bill of the Senate as follows:

No. 82, an act to incorporate the Logansport Trading and Manufacturing company;

Also the following enrolled bills of the House,

No. 129, an act to incorporate the Bristol Manufacturing company;

No. 154, an act providing for draining the swamps, ponds, marshes, and other lands within the county of Spencer;

No. 156, an act for the relief of school district No. 3, in township No. 6, south of range No. 10 west, in Vanderburgh county;

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bill.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bill of the Senate:

No. 82, an act to incorporate the Logansport Trading and Manufacturing company;

Also the following enrolled bills of the House of Representatives,

No. 129, an act to incorporate the Bristol Manufacturing company;

No. 154, an act providing for draining the swamps, ponds, marshes, and other low lands within the county of Spencer;

No. 156, an act for the relief of school district No. 3, in township No. 6, south of range No. 10 west, in Vanderburgh county.

On motion, the Senate adjourned.

THURSDAY MORNING, JANUARY 28, 1840.

The Senate assembled.

On motion of Mr. Collins, Mr. Lowe was called to the chair.

Mr. Stafford had leave to offer the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed at 2 o'clock to-morrow, to elect a Prosecuting Attorney for the 5th judicial circuit, to fill the vacancy occasioned by the resignation of the Hon. W. J. Peaslee;

Which was adopted.

Ordered, That the Secretary inform the Senate thereof.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the resolution of the Senate to

proceed on to-morrow at 2 o'clock, P. M., to the election of a Prosecuting Attorney, to fill the vacancy in the fifth judicial circuit, occasioned by the resignation of William J. Peaslee.

Messrs. Champer and Henley are appointed tellers on the part of the House.

Messrs. Stafford and Lowe were appointed on the part of the Senate.

Mr. Williams made the following report:

The joint committee on enrolled bills report, that they have presented to his Excellency, the Governor, for his approval and signature, bills of the House as follows, to wit:

No. 128, an act to incorporate the Euterpean Band of South Bend;

No. 176, An act to amend an act entitled, "an act for the relief of John Rodolph Fischli," approved February 18, 1839.

No. 185, an act declaring Patoka a public highway and for other purposes.

No. 242, an act for the relief of Edmund Clark, collector of Hendricks county.

No. 247, an act to remove the disability of Anna Maria Gile.

Mr. Test, leave being granted, introduced bill, No. 137, more effectually to secure the purity of elections;

Which was read a first time and passed to a second reading.

Mr. Beard of M., had leave to introduce bill, No. 138, to incorporate the Centre Church in Crawfordsville;

Which was twice read, and referred to the committee on corporations.

Mr. Berry, leave being granted, introduced bill No. 139, for the relief of certificate holders to certain school lands in Monroe county;

Which was read three several times, the rule having been suspended, and passed.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bills thereof, as follows:

No. 78, an act providing for the payment of the Bank debt.

No. 217, an act to dispense with records in certain cases, and to authorize amendments in pleading;

No. 223, an act to legalize and give effect to certain official acts of the late Clerk of Floyd county;

No. 233, an act to repeal an act entitled, "an act to repeal a certain act in Dearborn county, therein named," approved February 5, 1839;

No. 236, an act amendatory to an act locating a State road;

Also, the following joint resolution:

No. 235, a joint resolution on the subject of the sale of State Bonds;

In which the concurrence of the Senate is respectfully requested. The House has also concurred in the amendment of the Senate to bill of the House,

No. 150, an act for the relief of the Miami, and other Indians.

Bill, No. 217, of the above message, was twice read, and referred to the committee on the judiciary.

Bill, No. 78, of the message, was read the first time.

Mr. Test moved that the rule be suspended, and said bill be read a second time now.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of M., Bell,, Blair, Carnan, Clark, Collins, Dobson, Everts, Hackett, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Riley, Test, Thompson, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Cravens, Eggleston, Elliott, Ewing, Hargrove, Harris, Kinzer, Lowe, Mount, Nave, Nickel, Parker, Roberts, Stafford, Stevenson, and Tannehill—20.

So said motion did not prevail, and said bill passed to a second reading.

Bill, No. 223, of the message, was twice read, and referred to the committee on the judiciary.

Bill, No. 233, of the message, was read the first time, and passed to a second reading.

Bill, No. 236, of the message, was read three several times, the rule having been suspended, and was passed.

Joint Resolution, No. 235, of the message, was twice read.

Mr. Moffatt moved to refer said Joint Resolution to the committee on finance;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Beard of Mont., Bell, Blair, Carnan, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Parker, Riley, Roberts, Stafford, Tannehill, Test, Thompson, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Berry, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Hackett,

Hargrove, Harris, Kinzer, Lowe, McCord, Nave, Nickel and Stevenson—20.

So the motion prevailed.

Mr. Stevenson moved to instruct said committee to amend said Joint Resolution, as follows:

Nor will the State recognize as binding the \$300,000 deposited with the Morris Canal and Banking Company, to be exchanged for other bonds said to be informal, and which have been withheld by said Banking Company, and have been appropriated by said Company for its individual use.

Mr. Eggleston moved to amend said instructions by adding as follows:

"*Provided* said Bonds are now in the hands of said Company, or in the hands of persons who may be privies to the fraud committed in the acquiring of said bonds.

The question being on the amendment to the instructions,
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Mont., Bell, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Tannehill, Thompson, Williams and Wright—31.

Those who voted in the negative were,

Messrs. Chamberlain, Dobson, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, Nave, Nickel and Stevenson—11.

So the instructions were so amended.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion of Mr. Lowe,

Mr. Baird of St. Joseph was called to the chair.

On motion of Mr. Eggleston,

The vote taken on adopting the amendment proposed by him to the instructions proposed by Mr. Stevenson, was reconsidered, and said amendment and instructions were withdrawn.

Mr. Wright, leave being granted, presented the petition of J. B. Johnson, for relief;

Which was referred to the committee on claims.

Mr. Parker, leave being granted, presented the petition of Norman M. Ross and others, members of the "Liberty Band" of Union county, praying to be incorporated;

Which was referred to a select committee of Messrs. Parker, Nave and Ewing.

Mr. Nickel, leave being granted, presented the petition of sundry citizens of Shelby county, praying for the passage of a valuation law;

Which was referred to the committee to which a bill on that subject had been referred.

Mr. Arion, leave being granted, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred proposals of Messrs. Branham & Co. for running the cars on the Madison and Indianapolis Rail Road, have according to order, had the same under consideration, and directed me to report the following bill, and recommend its passage.

Bill No. 140, to provide for running the cars on the Madison and Indianapolis Rail Road;

Which was read the first time and passed to a second reading.

ORDERS OF THE DAY.

Bill No. 111, of the Senate, to prevent frauds at elections,

Was read a third time,

Mr. Nave moved to refer said bill to a select committee with instructions:

To inquire and examine what amendments are needed to our existing election laws, if any, and if they find any amendments expedient, to report a bill accordingly.

Which was agreed to.

And Messrs. Nave, Parker and Bell were appointed said committee.

Bill No. 101, of the Senate, to amend the act entitled an act to incorporate the City of New-Albany, and to repeal all laws now in force incorporating the town of New-Albany, approved Feb. 14, 1839;

Was read a second and third times and passed.

Bill No. 102, of the Senate, for the relief of James Horney, administrator of the estate of John Myers, deceased,

Was read a second and third times and passed.

Bill No. 103, of the Senate, to authorize the Recorder of Cass county to correct his records in a certain case therein named,

Was read a second and third times and passed.

Bill No. 109, of the Senate, to divorce Nancy Day from her husband Lewis Day,

Was read a second time.

Mr. Eggleston moved to refer said bill to the committee on the judiciary;

Which was not agreed to.

Mr. Eggleston moved to indefinitely postpone said bill,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of Montgomery, Blair, Carnan, Carr, Collins, Cravens, Dobson, Eggleston, Elliott, Hargrove, Morgan, Mount, Nave, Parker, Stevenson, Watts, Williams and Wright—21.

Those who voted in the negative were,

Messrs. Aker, Arion, Bell, Berry, Chamberlain, Clark, Everts, Ewing, Hackett, Hanna, Herriott, Hoover, Kinzer, McCord, Moffatt, Riley, Roberts, Tannehill, and Thompson—19.

So said motion prevailed.

Bill No. 108, of the Senate, to re-locate part of a state road therein named,

Was read three several times, the rule having been suspended, and passed.

Bill No. 112, of the Senate, for the creation of additional State Bank stock and for giving further time to borrowers the of State funds,

Was read a second time.

Mr. Nave moved to strike out from the enacting clause.

Mr. Stevenson moved to amend said bill by inserting after the word "State," in the second section, the following, to-wit: "except the school funds arising from the sale of the sixteenth section."

Which amendment was adopted.

Mr. Stevenson moved to lay said bill on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Bell, Berry, Carr, Chamberlain, Dobson, Everts, Hackett, Hanna, Hargrove, Herriott, Kinzer, Lowe, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, and Thompson—22.

Those who voted in the negative were,

Messrs. Aker, Arion, Beard of Montgomery, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Watts and Williams—21.

So said motion prevailed.

On motion of Mr. Stevenson,

Bill No. 100, of the House, to provide in part for the payment of the public debt,

Was taken up and read the second time.

Mr. Arion moved to amend said bill by prefixing to the fifth section the following:

That the ratio of taxation to which the capital stock of the said Bank shall be subject, shall be equal in each year to the amount of the

state tax, and also to the amount of the county tax in the county in which the respective Branch may be situated, which shall be assessed and applied to state purposes only, except the portion thereof reserved by the charter for the purposes of common school education.

Before the question was taken thereon,

On motion, the Senate adjourned.

FRIDAY MORNING, JANUARY 29, 1841.

The Senate assembled.

On motion of Mr. Wright, Mr. Stevenson was called to the chair.

Mr. Beard of Montgomery presented the petition of sundry persons, praying for the passage of a law regulating the practice of medicine in this State;

Which was referred to the committee on education.

Mr. Hoover presented the petition of John S. Forgey, late collector of Tippecanoe county, praying for relief;

Which was referred to the committee on finance.

Mr. Williams made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following engrossed bills with the enrolled and find the same truly enrolled to-wit:

No. 79, of the Senate, an act to authorize school commissioners to refund money in certain cases therein named;

No. 95, of the Senate, an act regulating the time of holding courts in the first judicial circuit and other purposes;

No. 87, of the House, an act for the relief of Marshall S. Wines;

No. 94, of the House, an act to regulate the receipt and disbursement of the internal improvement fund;

No. 249, of the House, an act to amend an act entitled an act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1st, 1838;

The following message was received from the House of Representatives, by Mr. Hager, their Clerk:

Mr. PRESIDENT:

The Speaker having signed the following enrolled bills of the House:

No. 87, an act for the relief of Marshall S. Wines;

No. 94, an act to regulate the receipt and disbursement of the internal improvement fund;

No. 249, an act to amend an act entitled an act authorizing the

sale of certain school lands therein named, and for other purposes, approved January 1st, 1838;

I have been directed to bring the same to the Senate for the signature of the President thereof.

A message from the House of Representatives, by Mr. Dowling, a member:

Mr. PRESIDENT—

The Speaker having signed the following enrolled bills of the Senate:

No. 79, an act to authorize school commissioners to refund money in certain cases therein mentioned;

No. 95, an act regulating the time of holding courts in the first judicial circuit, and for other purposes:

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

Message from the House of Representatives, by Mr. Bennett, their assistant clerk:

Mr. PRESIDENT—

I am directed to inform the Senate, that the House has passed engrossed bills and joint resolutions of the Senate, without amendment, as follows:

No. 72, a joint resolution in relation to duties on foreign goods;

No. 73, an act to amend an act for the encouragement of agriculture, approved Feb. 7, 1835;

No. 74, an act for the relief of Micajah Barkley;

No. 105, an act to extend a certain street in the town of Bloomington, and for other purposes;

No. 110, an act to amend an act to regulate the mode of doing county business in the several counties of this State;"

No. 135, an act to carry into effect an act entitled an act to establish a state road therein named;

Mr. Williams, made the following report;

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have presented to his Excellency the Governor for his approval and signature the following bills of the Senate, to-wit:

No. 82, an act to incorporate the Logansport Trading and Manufacturing Company;

No. 79, an act to authorize school commissioners to refund money in certain cases therein named;

No. 95, an act regulating the time of holding courts in the first judicial circuit, and other purposes.

They also report that they have presented to his Excellency the Governor for his approval and signature, bills of the House as follows, to-wit:

No. 87, an act for the relief of Marshal S. Wines;

No. 94, an act to regulate the receipt and disbursement of the internal improvement fund;

No. 249, an act to amend an act entitled an act authorizing the sale of certain school lands therein named, and for other puposes, approved Jan. 1st, 1838.

Mr. Wright from the judiciary committee, to which bill No. 250, fixing the time of holding courts in the eighth judicial circuit had been referred, reported the same back without amendment and recommended its passage.

The rule having been suspended, said bill was read a third time and passed.

Mr. Aker made the following report:

MR. PRESIDENT—

The standing committee on the judicary to whom was refered a bill of the House No. 251, entitled an act to extend the time of payment to purchasers of school lands in Randolph county and for other purposes, have had the same under consideration and have instructed me to report the same back to the Senate without amendment and recommend its passage.

Mr. Eggleston moved to amend said bill by adding after "Randolph" "and the county of Switzerland."

Mr. Watts moved to amend the amendment by adding "and the county of Dearborn."

On motion of Mr. Aker, said bill and pending amendments were laid on the table.

Mr. Carnan made the following report:

MR. PRESIDENT—

The standing committee on the judiciary to which was referred bill of the House, No. 155, relative to a re-location of the seat of justice in Blackford county, have had the same under consideration, and have directed me to report the same back to the Senate without amendment and recommend its passage.

Mr. Ewing moved to indefinitely postpone said bill;

Which did not prevail.

Mr. Ewing moved to lay said bill on the table;

Which was not agreed to.

And the rule having been suspended said bill was read a third time and passed.

Mr. Baird of St. J. made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the House of Representatives entitled a bill for the relief of J. B. Moulten, Geo. D. Prentice and Geo. W. Weissinger, have had the same under consideration and have directed me to report the same back to the Senate without amendment and recommend its passage.

The rule having been suspended, said bill was read a third time.

Mr. Parker moved to re-commit said bill to the same committee, with instructions to call on the Board and ascertain what there is peculiar in this case if any thing, to indicate that the allowance provided for in this bill should be made.

Which motion prevailed.

Mr. Baird of St. J. made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the House, No. 193, entitled a bill to provide for the completion of that portion of the Cross-cut canal which lies between Terre Haute and the Feeder Dam in Clay county, with certain instructions, have had the subject under consideration and directed me to report the same back to the Senate without amendment, and recommend its passage.

The committee were discharged.

Mr. Watts moved to amend said bill by adding the following:

Provided, That the persons to whom said bonds of the state are advanced in payment for contracts said company shall indemnify the state in like manner, by bond and security, that they will keep said canal in repair for the term of time of ten years, and that they will make good to the state the losses which the state may sustain by the non-completion of the said canal within the period of three years from the passage of this act, should they fail in completing the same within said time; which losses shall be estimated and ascertained by the board of internal improvement;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Carr, Collins, Cravens, Eggleston, Lowe, McCord, Nave, Nickel and Watts—10.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Blair, Carnan, Clark, Dobson, Elliott, Everts, Ewing, Hackett,

Hanna, Hargrove, Herriott, Hoover, Kinzer, Moffatt, Morgan, Mount, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Williams and Wright—32.

So said amendment was not adopted.

Mr. Lowe moved to amend said bill by adding as follows:

Provided, That nothing in this act shall be so construed as to authorize the board of public works to let the work to said company at a higher rate than could be let for cash, and that no bonds be given to said company until the whole amount of work be completed.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Cravens, Eggleston, Kinzer, Lowe, McCord, Nave, Nickel and Watts—9.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Blair, Carnan, Clark, Dobson, Elliott, Everts, Ewing, Hackett, Hanna, Hargrove, Herriott, Hoover, Moffatt, Morgan, Mount, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Williams and Wright—30.

So said amendment was not adopted.

Mr. Armstrong moved to amend said bill by adding as a proviso, the first part to the words "and that" of the amendment proposed by Mr. Lowe.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Beard of M., Berry, Blair, Carr, Clark, Collins, Cravens, Eggleston, Hackett, Hargrove, Herriott, Kinzer, Lowe, McCord, Morgan, Mount, Nave, Nickel, Stevenson, Tannehill, Thompson, Watts, and Wright—25.

Those who voted in the negative were,

Messrs. Aker, Arion, Baird of St. J., Bell, Carnan, Dobson, Elliott, Everts, Ewing, Hanna, Hoover, Moffatt, Parker, Riley, Roberts, Stafford and Williams—17.

So said amendment was adopted.

Mr. Dobson moved to suspend the rule and read said bill a third time now;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Elliott, Everts, Ewing, Hackett, Hanna, Hargrove, Herriott, Hoover, Kinzer, Moffatt, Morgan, Mount, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Williams and Wright—34.

Those who voted in the negative were,

Messrs. Armstrong, Cravens, Eggleston, Lowe, McCord, Nave, Nickel, Thompson and Watts—9.

So said motion prevailed and said bill was read a third time;

And the question being put, Shall said bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Blair, Carnan, Chamberlain, Clark, Dobson, Elliott, Everts, Ewing, Hackett, Hanna, Hargrove, Herriott, Hoover, Moffatt, Morgan, Mount, Parker, Riley, Roberts, Stafford, Tannehill, Williams and Wright—30.

Those who voted in the negative were,

Messrs. Armstrong, Collins, Cravens, Eggleston, Lowe, McCord, Nave, Nickel, Stevenson, Thompson and Watts—11.

So said bill was passed.

Mr. Baird of St. J. made the following report:

The committee on canals and internal improvements to which was referred a bill of the Senate entitled a bill for the relief of William T. Spurrier and others, have had the same under consideration and directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and said bill indefinitely postponed.

Mr. Baird of St. J. made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred the petition of J. Lindley and W. Moulden, praying relief as contractors, upon the New Albany and Vincennes road, have had the same under consideration, and directed me to report that legislation on said subject is inexpedient. Said committee therefore ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee accordingly discharged.

Mr. Baird of St. Joseph, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed bill of the House of Representatives, entitled, a bill to confirm to John and Comyges certain water-power therein named, have had the same under consideration, and directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in, and the rule having been suspended, said bill was read a third time and passed.

Mr. Armstrong made the following report:

MR. PRESIDENT—

The committee on the affairs of the State Prison, to whom was referred an engrossed bill of the House, No. 148, to amend an act for the regulation of the State prison, approved Feb. 17, 1838, have had said bill under consideration, and have instructed me to report the same back with several amendments, and ask the concurrence of the Senate therein.

The amendments were concurred in.

Mr. Clark moved to amend said bill by striking out the words "distributing religious tracts," in the 17th section, which motion did not prevail.

Mr. Arion moved to amend said bill, by adding to the 17th section, as follows:

"And it shall be the duty of said chaplain to forward to the Governor a written report, setting forth the efforts that may have been made for the moral and religious improvement of the convicts, with the degree of apparent success that may have attended his labors. Also, state any important facts with regard to the condition and improvement of the prison, and the general effects of prison discipline there exercised upon the convicts, which the chaplain aforesaid shall deem proper to communicate; which report shall be laid before the General Assembly every year at their ensuing session.

Before the question was taken thereon,

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate met.

On motion of Mr. Angle,

Mr. Baird of St. Joseph was called to the chair.

The following message was received from the House of Representatives, by Mr. Bennett, their assistant clerk:

MR. PRESIDENT—

The House has passed the following resolution, and directed me to inform the Senate thereof:

Resolved, That the Senate be invited to attend, instantler, in the hall of the House of Representatives, to proceed to the election of a prosecuting attorney, in the 5th judicial circuit, to fill the vacancy occasioned by the resignation of Wm. J. Peaslee, Esq., and that seats be provided for them on the right of the Speaker's chair.

The Senate then proceeded to the hall of the House of Representatives, for the purpose of electing said officer.

The convention then proceeded to elect by ballot, a prosecuting attorney for the 5th judicial circuit, and on counting the votes, on the first ballot, it appeared that

Hugh O'Neal had received	- - - - -	65 votes.
Abraham A. Hammond,	- - - - -	57 votes.
Benjamin B. Bull,	- - - - -	12 votes.
Scattering,	- - - - -	2 votes.

Neither of the persons having received a majority of all the votes given, the convention proceeded to ballot a second time, and upon counting the votes on the second ballot, it appeared that

Hugh O'Neal had	- - - - -	68 votes.
Abraham A. Hammond,	- - - - -	68 votes.
Scattering and Blank	- - - - -	1 vote.

Neither of the persons having received a majority of all the votes given, the convention proceeded to ballot a third time, and upon counting the vote on the third ballot, it appeared that

Hugh O'Neal had	- - - - -	69 votes.
Abraham A. Hammond	- - - - -	68 votes.

Mr. O'Neal having received a majority of all the votes given, the President declared him duly elected prosecuting attorney, for the 5th judicial circuit for two years from and after this day.

The convention having completed its business, the Senate returned to its chamber.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bills of the Senate, as follows:

No. 63, an act in relation to tolls upon the public works in Indiana.

No. 78, an act to amend an act authorizing the seizure of boats, and other vessels for debt, approved Feb. 17, 1838.

Also, the following engrossed bills of the House:

No. 120, an act to provide for keeper of the State House and Library.

No. 160, an act to value the property of the State.

No. 161, an act prescribing the duties of county auditor.

No. 162, an act for the election of county assessor.

No. 163, an act prescribing the duties of county treasurer.

No. 164, an act pointing out the mode of levying taxes.

No. 167, an act to revise and amend an act incorporating Congressional townships, and providing for public schools therein, approved Feb. 17, 1838.

No. 240, an act for the relief of John Elden.

No. 262, an act to re-locate the Rockport and Bloomington State road in Martin county.

No. 248, an act to authorize the citizens of Montgomery and Putnam counties to open a part of the New Albany, and Crawfordsville turnpike road therin named; in which the concurrence of the Senate is respectfully requested.

Bill No. 120, of the Senate was read a first time.

Mr. Chamberlain moved to reject said bill, which motion did not prevail.

On motion of Mr. Nave,

The rule was suspended, and said bill read a second time.

Mr. Chamberlain moved to amend said bill by striking out that part requiring the librarian to select the speeches of members of Congress, and placing them in the State library.

Mr. Dobson moved to amend said amendment as follows:

Provided, That he shall not be required to preserve any speech or publication whatever, on the subject of abolition.

Which did not prevail.

The question was then put on adopting the amendment proposed by Mr. Chamberlain, and decided in the negative.

And the rule having been suspended said bill was read a third time and passed.

The further consideration of the message was postponed, and

Bill No. 100, to provide for the payment in part of the interest on the public debt, was taken up.

Mr. Chamberlain moved to postpone the consideration of said bill, till to-morrow, which was not agreed to.

The amendment pending to said bill, when the bill was last under consideration, was withdrawn.

And Mr. Eggleston moved the following amendment to said bill, as a proviso to the 5th section:

Provided, That the right is hereby reserved to the bank of having the question adjudicated in any court of record in the State subject of appeal or writ of error, as in other cases, whether the law assessed by the 15th section of the bank charter for education purposes is in-

cluded in, or in addition to the ad valorem taxation, to which the individual stock is liable, as other property, while the whole of the assessment on such stock is in all less than one per centum. And the auditor of State shall by legal counsel, manage such case on the part of the State. Which amendment was adopted.

Mr. Lowe moved to amend, by inserting the words "per annum," after the words "per centum," in the 6th section.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Cravens, Dobson, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts, Stevenson, Tannehill, and Thompson—16.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Ewing, Hanna, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Watts, Williams, and Wright—25.

So said amendment did not prevail.

Mr. Parker moved to amend as follows: Strike out the word "issue," at the end of the 6th section, and insert the following:

"Hereby authorized to be issued, to be paid in three annual instalments, beginning with the current year."

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Armstrong, Berry, Chamberlain, Cravens, Dobson, Everts, Hackett, Hargrove, Harris, Kinzer, Lowe, Mount, Nave, Nickel, Parker, Roberts, Stevenson, Tannehill, Thompson, Watts, and Wright—22.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. Jos., Beard of M., Bell, Blair, Carnan, Carr, Clark, Collins, Eggleston, Elliott, Ewing, Hanna, Hoover, McCord, Moffatt, Morgan, Riley, Stafford, and Williams—21.

So said amendment was adopted.

Mr. Nave moved to amend said bill by attaching to the end of the 6th section, the following:

Provided further, That nothing in this section shall be so construed as to authorize the bank to issue bills of a less denomination than one dollar.

Which was agreed to.

Mr. Armstrong moved to amend said bill by adding the following proviso:

Provided further, That said bank shall immediately after the expiration of said term of three years, withdraw immediately from circulation such small bills, unless the Legislature shall authorize the same to be continued longer in circulation.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Cravens, Dobson, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts, Stevenson, Tannehill, and Watts—16.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Blair, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Thompson, Williams, and Wright—28.

So said amendment was not adopted.

Mr. Armstrong proposed the following amendment to said bill, as an additional section:

Sec. . So much of the act entitled, an act providing for the increase of the stock in the State Bank, approved, February 12, 1839, as authorizes the Fund Commissioners or President of the State Bank to make loans on behalf of the State for the increase of stock in said Bank, be and the same is hereby repealed: *Provided*, that nothing in this act shall be so construed as to affect any loan or sale of bonds heretofore made under the provisions of said act.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Carr, Chamberlain, Cravens, Hackett, Hargrove, Harris, Kinzer, Lowe, Nave, Roberts, Thompson, and Watts—13.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Berry, Blair, Carnan, Clark, Collins, Dobson, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nickel, Parker, Riley, Stafford, Stevenson, Tannehill, Williams, and Wright—31.

So said amendment did not prevail.

Mr. Parker moved the previous question.

So the call for the previous question was seconded.

And on the question, shall the main question be now put?

And the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Blair, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Ewing, Herriott, Hoover, McCord, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Thompson, Williams, and Wright—27.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Cravens, Dobson, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, Moffatt, Nickel, Roberts, Tannehill, and Watts—17.

So the call for the previous question was seconded.

And on the question, shall the main question be now put?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Ewing, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Thompson, Watts, Williams, and Wright—29.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Cravens, Dobson, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts, and Tannehill—15.

So the main question was ordered;

And the main question being, shall the amendments be engrossed, and said bill be ordered to a 3d reading?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Ewing, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Thompson, Watts, Williams, and Wright—29.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Cravens, Dobson, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts, and Tannehill—15.

So said amendments were ordered to be engrossed and the bill to be read a third time.

Mr. Elliott moved to suspend the rule and read the bill a third time now;

Which motion prevailed, and said bill was read a third time.

Mr. Hanna moved to recommit said bill, with the following instructions.

The fund proposed to be called in by the first section of this bill shall be called in by instalments on the same terms that ordinary bank loans are called in, and the interest shall be paid in the same proportions until the whole amounts of the loans are paid.

Mr. Harris moved to amend said instructions as follows:

Provided further, That the privilege hereby given to said bank of issuing small notes is upon the further condition that said bank shall resume specie payments, as soon as this act shall be accepted as a part of its charter.

Mr. Parker moved the previous question;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. J., Beard of M., Blair, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Ewing, Herriott, Hoover, McCord, Morgan, Mount, Parker, Riley, Stafford, Stevenson, Thompson, Williams, and Wright—24.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Bell, Berry, Carr, Chamberlain, Cravens, Dobson, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, Moffatt, Nave, Nickel, Roberts, and Tannehill—19.

So the call for the previous question was seconded.

And the question being, shall the main question be now put?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Ewing, Herriott, Hoover, McCord, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Williams and Wright—26.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Cravens, Dobson, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, Moffatt, Nickel, Roberts, Tannehill, and Thompson—17.

So the main question was ordered to be put;

Which main question was, shall said bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Collins, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Morgan, Mount, Nave, Parker, Riley, Stafford, Thompson, Watts, Williams and Wright—27.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Clark, Cravens, Dobson, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Roberts, Stevenson, and Tannehill—16.

So said bill was passed.

Mr. Parker gave notice that he would on to-morrow move an amendment to the standing rules of the Senate, requiring the person occupying the Chair of the Senate, to respond to no Senator, unless the Senator address the Chair from his proper and usual place in the Senate Chamber.

And further, that when the ayes and noes are called, it shall be the duty of the Chair to announce the names of the Senators calling the same, and of the clerk to journalize the names.

Mr. Harris moved to amend the bill, No. 100, so as to make it read as follows:

An act to authorize the State Bank of Indiana to issue one million of shin-plasters, and to swindle the people.

Mr. Chamberlain moved to amend the amendment as follows:

A bill to expel specie from the State by the issue of shin-plasters, and to make bank stock for speculators, of funds, heretofore designed for the accommodation and benefit of the people at large.

On motion, the Senate adjourned.

SATURDAY MORNING, JAN. 30, 1840.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT:

The House of Representatives have refused to recede from their first amendment to bill of the Senate, No. 25, entitled an act to amend an act subjecting real and personal estate to execution, and Messrs. Walpole and Brenton are appointed a committee of free conference on the part of the House, to act with the similar committee

already appointed on the part of the Senate, to take into consideration the disagreement between the two Houses on that subject.

The House of Representatives have also concurred in the resolution of the Senate, fixing the day of final adjournment of the present General Assembly on Monday the 1st February next, with one amendment, which is:

To strike out "1st February" and insert in lieu thereof the "15th February."

In which amendment the concurrence of the Senate is respectfully requested.

Mr. Parker moved to lay said resolution on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Dobson, Ewing, Hackett and Parker—4.

Those who voted in the negative were,

Messrs. Aker, Arion, Armstrong, Baird of St. J., Beard of M., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Foster, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nickel, Nave, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Watts, Williams and Wright—39.

So said motion to lie on the table did not prevail.

Mr. Stevenson moved to concur with the following amendment to the amendment of the House to the resolution of the Senate, viz: Strike out the 15th and insert in lieu thereof "Monday the 8th;"

And the question then being on the motion to concur with an amendment,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Armstrong, Beard of Mont., Berry, Carr, Clark, Collins, Cravens, Eggleston, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Nave, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Watts and Williams—26.

Those who voted in the negative were,

Messrs. Arion, Baird of St. J., Blair, Carnan, Chamberlain, Dobson, Elliott, Everts, Ewing, Foster, Hackett, Hanna, Moffatt, Morgan, Mount, Parker and Wright—17.

So said motion prevailed.

The consideration of the message of the House received on yesterday was resumed.

Bills No. 160 and 161, of the message, were twice read and referred to the committee on finance.

Mr. Elliott, leave being granted, offered the following resolution:

Resolved, That the House of Representatives be respectfully requested to return the message sent from the Senate this morning in relation to the time of the final adjournment of this General Assembly.

And the question being put, Shall said resolution be adopted?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. J., Bell, Berry, Blair, Carnan, Cravens, Dobson, Elliott, Everts, Ewing, Foster, Hackett, Hanna, Lowe, Moffatt, Morgan, Mount, Parker, Stafford, Tannehill, Thompson and Wright—23.

Those who voted in the negative were,

Messrs. Aker, Armstrong, Beard of M., Carr, Clark, Collins, Eggleston, Hargrove, Harris, Herriott, Hoover, Kinzer, McCord, Nave, Nickel, Riley, Roberts, Stevenson, Watts and Williams—20.

So said resolution was adopted.

Mr. Cravens, leave being granted, offered the following resolution:

Resolved, That the select committee of nine, to which was referred the subject of classifying the public works be instructed to report a bill to the Senate on the following basis:

1st. Constitute a Board of Internal Improvements.

2d. Provide that a specific sum not to exceed \$—— shall be expended for internal improvement purposes.

3d. Direct said Board to select two works, to the prosecution of which the said sum shall be applied.

4th. The Board shall select for prosecution, those two works which can be the most nearly completed with said sum of money, and which, according to the best estimate that can be made, will be the most advantageous to the trading and commercial business of the country, and yield the largest amount of revenue in proportion to the amount actually to be expended in their construction: *Provided, however*, That if the Board, upon examination, shall discover that the sum of money hereby appropriated shall be insufficient to complete both said works, they shall apply the same towards the completion of one of them, and the balance, if any, shall be applied on the remaining work.

5th. Provide that none of the remaining works shall progress until the selected works are completed, and direct the adoption of measures by the Board, to protect them from injury and dilapidation as

far as practicable, until the proper time shall arrive to renew operations on them.

6th. If during the prosecution of said two works, any part of the suspended debt shall be collected, it shall be taken and applied as a part of said sum of \$——.

7th. Provide for the sale of bonds with the restriction that the Fund Commissioners shall not dispose of any bonds under this act until the legislature shall have made such provision by law as will secure the payment of the interest on the public debt, as it falls due, without the application to that object of any portion of the sum borrowed.

8th. Add such provisions respecting the details as may be deemed proper and necessary.

Mr. Parker moved to amend by adding to the 4th specification, the following:

Taking into consideration the annual amount that will be requisite to keep up operations on said works.

Mr. Arion moved to amend the amendment by adding as follows: And the amount said works will yield to the state in proportion to the expenditure to be made.

Mr. Stevenson moved to lay the resolution and pending amendments on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Baird of St. Jos., Beard of M., Blair, Carnan, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Kinzer, McCord, Riley, Roberts, Stevenson, Thompson, and Wright—22.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Bell, Carr, Cravens, Elliott, Foster, Hanna, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Stafford; Tannehill, Watts, and Williams—21.
So said motion prevailed.

Mr. Cravens moved to further suspend the order of business, and take up the bill suspending further prosecution of the public works.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Blair, Carr, Clark, Collins, Cravens, Eggleston, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Nave, Nickel, Thompson, Watts, and Wright—19.

Those who voted in the negative were,

Messrs. Aker, Arion, Baird of St. J., Beard of Mont., Bell, Carnan, Chamberlain, Dobson, Elliott, Everts, Ewing, Foster, Hanna, Herriott, Hoover, Moffatt, Mount, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, and Williams—24.

So said motion did not prevail.

And the consideration of the message from the House was again resumed.

Bills Nos. 162, 163, and 164, of the message, were twice read and referred to the committee on finance.

Bill No. 167, of the message, was twice read and referred to the committee on education.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Nave,

Mr. Moffatt was called to the chair.

ORDERS OF THE DAY.

The amendments pending to the title to bill No. 100, to provide in part for the payment of the interest on public debt, came up for consideration.

Mr. Armstrong moved to strike out the amendment of Mr. Harris as amended, and insert in addition to the present title, "to increase the stock of the State in the State bank, and to authorize said bank to issue notes of a less denomination than five dollars."

Mr. Nave moved to postpone the further consideration of said amendments, till 4 o'clock, P. M., which was not agreed to.

The question was then taken on the amendment proposed by Mr. Armstrong, and decided in the affirmative.

Mr. Chamberlain moved further to amend the title of said bill, by striking all out preceding the amendment last adopted, which did not prevail.

The following message was received from the House of Representatives, by Mr. Montgomery, a member:

MR. PRESIDENT—

In accordance with the request of the Senate, I have been directed by the House of Representatives, to return to the Senate, the message communicated from them to the House on this morning, in relation to fixing the day of final adjournment of the present General Assembly.

Mr. Tannehill moved to re-consider the vote taken on the amend-

ment of the House to a resolution of the Senate, fixing the day of final adjournment of the present General Assembly.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. J., Bell, Berry, Carnan, Dobson, Ewing, Foster, Hackett, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Parker, Stafford, Tannehill, Watts, Williams, and Wright—21.

Those who voted in the negative were,

Messrs. Armstrong, Beard of M., Carr, Chamberlain, Clark, Collins, Cravens, Hargrove, Harris, Kinzer, Lowe, McCord, Nave, Nickel, Riley, Roberts, Stevenson, and Thompson—18.

So said vote was re-considered.

The question then being on adopting the amendment with the amendment, which was to strike out the 15th day of February next, and inserted Monday the 8th day of February next.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Beard of M., Carr, Chamberlain, Clark, Collins, Hargrove, Harris, Kinzer, Lowe, McCord, Nickel, Nave, Riley, Roberts, Stevenson, and Thompson—17.

Those who voted in the negative were,

Messrs. Aker, Arion, Baird of St. Jos., Bell, Berry, Blair, Carnan, Cravens, Dobson, Ewing, Elliott, Foster, Hackett, Hanna, Hoover, Moffatt, Morgan, Mount, Parker, Stafford, Tannehill, Watts, Williams, and Wright—24.

So said amendment did not prevail.

The question then was on concurring in the amendment of the House to said resolution.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. Jos., Bell, Berry, Blair, Carnan, Chamberlain, Cravens, Dobson, Elliott, Ewing, Foster, Hackett, Hanna, Hargrove, Hoover, Lowe, Moffatt, Morgan, Mount, Nickel, Parker, Stafford, Tannehill, Thompson, Watts, Williams, and Wright—29.

Those who voted in the negative were,

Messrs. Armstrong, Beard of M., Carr, Clark, Collins, Harris, Kinzer, McCord, Nave, Riley, Roberts, and Stevenson—12.

So the amendment of the House was concurred in.

Bill No. 78, of the House, to provide for the payment of the bank debt, was read a second time.

Mr. Wright moved to amend said bill as follows: To insert after the words "six per cent." in second line of second section, "principal and interest payable in New York;"

Which was agreed to.

Mr. Lowe moved to amend by striking out the third section.

Mr. Cravens moved to commit said bill to the committee on finance, with instructions to strike out all that relates to selling Bonds, and provide for giving the Bonds directly to the Bank;

Which was agreed to.

Bill, No. 82, of the House, defining the duties of petitioners for locating seats of justice and for other purposes;

Was read a second and third times and passed.

Bill, No. 103, of the House, to provide for a revision of the Laws;

Was read a second time.

Mr. Stevenson moved to indefinitely postpone said bill;

Which was decided in the negative.

Mr. Chamberlain moved to commit said bill to the committee on the judiciary, with instructions to inquire what amount of labor has been done in the revision of the laws by the Supreme Court;

Which did not prevail.

The rule having been suspended, said bill was read a third time.

And the question being put, shall said bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Ewing, Foster, Hackett, Hargrove, Harris, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Parker, Riley, Roberts, Stafford, Tannehill, Thompson, Watts, Williams and Wright—37.

Those who voted in the negative were,

Messrs. Hanna, Kinzer, Nave, Nickel and Stevenson—5.

So said bill was passed.

Mr. Parker, agreeably to notice given on yesterday, offered the following resolution:

Resolved, That hereafter the following shall be recognized as Standing Rules of the Senate, to wit:

The occupant of the chair shall never respond to any Senator, unless the Senator address the chair from his proper and usual place in the Senate chamber.

Whenever the ayes and noes are called, it shall be the duty of the chair to announce the names of the Senators calling the same, who

shall rise in their place, and of the Clerk to journalize the names.

Said resolution was adopted.

Bill, No. 107, of the House, to amend an act authorizing the appointment of Pilots at the Falls of the Ohio, approved February 7, 1825;

Was read a second and third times and passed.

No. 113, of the Senate, to amend an act attaching Decatur county to the sixth judicial circuit, and for other purposes;

Was read a second time.

On motion of Mr. Morgan,

Said bill was amended, by striking it out from the enacting clause and inserting a substitute.

And the rule having been suspended, said bill was read a third time and passed.

Mr. Watts had leave to make the following report:

MR. PRESIDENT—

The select committee to which was referred bill, No. 252, changing the time of holding Courts in the third judicial circuit, have had that subject under consideration, and have directed me to report the same to the Senate, without amendment, and recommend its passage.

The report was concurred in, and said bill read a third time and passed.

Mr. Parker, leave being granted, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Norman M. Ross and others, members of the Liberty Band, praying an act of incorporation, have had the subject of the petition under consideration, and have directed me to report the following bill, and recommend its passage.

Bill, No. 141, to incorporate the Liberty Band;

Was read three several times, the rule having been suspended, and passed.

Mr. Clark made the following report, leave being granted:

MR. PRESIDENT—

The committee on education to which was referred a bill of the Senate No. 92, A bill to amend an act entitled, an act concerning the seminary townships of land in Gibson and Monroe counties, approved January 25, 1837, approved, February 24th, 1840, have, according to order, had the same under consideration, and directed me to report it back without amendment, and recommend its passage.

The report was concurred in, and the bill was read the third time and passed.

Message from the House of Representatives by Mr. Dowling, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the amendment of the Senate to bill of the House,

No. 193, an act to provide for the completion of that portion of the Cross-cut canal which lies between Terre-Haute and the feeder dam in Clay county.

Mr. Williams made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following engrossed bills with the enrolled, and find the same truly enrolled, to-wit:

No. 193 of the House, an act to provide for the completion of that portion of the Cross-cut canal which lies between the feeder dam and Terre-Haute;

No. 103 of the Senate, an act to authorize the Recorder of Cass county, to correct his records, in a certain case therein mentioned.

The following message was received from the House of Representatives, by Mr. Dowling, a member:

MR. PRESIDENT—

The speaker having signed the following enrolled bill of the House of Representatives,

No. 193, an act to provide for the completion of that portion of the Cross-cut canal, which lies between Terre-Haute and the feeder dam in Clay county;

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bill.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed bills and joint resolution of the Senate, to-wit:

No. 63, an act in relation to tolls upon the public works in Indiana;

No. 72, a joint resolution in relation to duties on foreign goods;

No. 73, an act to amend an act for the encouragement of agriculture, approved, February 7, 1835;

No. 74, an act for the relief of Micajah Barkley;

No. 78, an act to amend an act authorizing the seizure of boats and other vessels for debt, approved, February 17, 1838;

No. 105, an act to extend a certain street in the town of Bloomington, and for other purposes;

No. 110, an act to amend an act to regulate the mode of doing county business in the several counties in this State;

No. 135, an act to carry into effect an act entitled an act establishing a state road therein named;

And have found the same correctly enrolled.

The following message was received from his Excellency the Governor, by Mr. Moore, his Private Secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that on yesterday he approved and signed

An act regulating the times of holding courts in the first judicial circuit, and for other purposes;

An act to authorize School Commissioners to refund money in certain cases therein named;

An act to incorporate the Logansport Trading and Manufacturing Company,

All of which originated in the Senate.

Mr. Eggleston, from the committee on corporations, to which bill No. 26 of the House, to amend an act to incorporate the Lawrenceburgh Bridge Company, approved January 24, 1837, had been referred, reported the same back without amendment, and recommend its passage;

Which report was concurred in, and said bill read a third time and passed.

Mr. Chamberlain, leave being granted, introduced bill No. 142, to amend an act entitled, an act to dissolve the present Board of Internal Improvements, the Board of Fund Commissioners, and the Engineer Department, approved February 24, 1840;

Which was read a first time and passed to a second reading.

Mr. Aker, leave being granted, made the following report:

MR. PRESIDENT:

The select committee to whom was referred a bill of the House, No. 200, entitled, a bill to amend an act for the formation of the county of Blackford, approved, February 15, 1838. Also a petition from John H. Clark and others of Jay county, praying for additional territory to the county of Jay, have had the same under consideration, and a majority of the committee have instructed me to report the bill back to the Senate without amendment, and recommend its passage, and deem it inexpedient to legislate on said petition, and ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Ewing, had leave to make the following report:

MR. PRESIDENT—

The undersigned, one of the minority of the committee to whom was referred a bill of the House No. 200, entitled, a bill to amend an act for the formation of Blackford county, ask leave to make the following counter report:

The undersigned is of the opinion that said bill should be indefinitely postponed, for the following reasons:

1st. Because the county of Wells only contains about 370 square miles, already under the constitutional size, and the reduction proposed by the bill of 60 square miles, would reduce it to only 310 square miles, would greatly injure said county, and would be a palpable violation of the Constitution, doing that indirectly which was forbid to be done when the act was passed to which this is an amendment.

And because those who urged the formation of Blackford county, well know the territory was very small, and then designed to reduce Wells, or some of the adjoining counties, all of which were then under 400 square miles. And the undersigned thinks that this design to obviate the constitution, should not now be sanctioned; nor has there since been any alteration in the territory of the adjoining counties to give color warrant to this alteration.

2d. The petition of citizens of the county of Blackford contains only 115 signers, of which 10 in one place and 21 in another appears to be in the same hand writing—deducted would only leave 74 signers. The polls of the county are 218.—Thus, not even a majority of Blackford county. The petition of Wells county, interested, only contains 70 signers; the polls of this county are 306, not one fourth of the county. The polls of the two counties are 524; all the signers on the two petitions only 185, only about one third of the polls of the two counties.

The petitions reached here about the 15th of this month, and the other citizens of Wells county have not had time to remonstrate, and their rights will be decided upon, without being heard, should this bill be passed. The seventy signers on the petition, said to be from Wells, live remote from the body of the county, and their petition may have reached here, without the knowledge of the majority of its citizens.

3d. Because the counties of Blackford, Wells, and Huntington, under the new apportionment, will next year be entitled to a representative, and if deferred until then, the question can be fairly tried before the people, and their representative come instructed, now that the subject is agitated. It is now at a time too late for all concerned to have a proper hearing.

4th. Because the county of Blackford was formed from territory formerly belonging to Jay county; and if an equalization of territory is to be made, the two townships of Jay on the east, and half of the two townships of Grant, adjoining Blackford on the west, should be added to it, and thus so far equalize these three counties as to give each from 300 to 320 square miles. Should the county of Grant get

three or four townships out of the Indian reserve on the west, as will properly fall to it, so soon as the Indian title is extinguished, some such equalization might then be made. This will bring the county seat of Grant more central than at present; yet the public interest would indicate the propriety of adding two of the townships of Blackford to the county of Jay and the other two townships to Grant, and terminate this trouble of a county out of four townships. Grant and Jay would then have about 400 square miles each. Until some such new addition of territory is made, and full notice to all concerned, and a fair expression under the new apportionment is made from the people whose rights are to be materially affected, the undersigned considers that justice and the public interest would seem to urge the propriety of deferring any legislation upon this subject.

W. G. EWING.

On motion, the Senate adjourned.

MONDAY MORNING, FEB. 1, 1841.

The Senate assembled.

Mr. Berry presented the petition of sundry citizens of Monroe county in reference to certain Seminary lands in said county;

Which was referred to the the committee on the judiciary.

Mr. Clark presented the petition of George G. Dunn, guardian of the minor heirs of Moses Fell, deceased, praying for a law authorizing the conveyance of real estate in a certain case;

Which was referred to the committee on the judiciary.

On motion of Mr. Berry,

Resolved, That the standing committee on claims be directed to inquire into and make such allowance to the committee appointed to investigate the condition of the affairs of Indiana University, as to them may seem reasonable.

Mr. Everts, from a select committee, had leave to make the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of John Mower, Jeremiah Hitchcock and others, praying for the passage of an act incorporating a company to be called the Michigan City Manufacturing company, have had that subject under consideration and have directed me to report the following bill:

Bill No. 143, to incorporate the Michigan City Manufacturing company,

Was read twice and referred to the committee on corporations.

The consideration of bills received in the message from the House of Representatives on Saturday was resumed.

Bill No. 240, named in the above message, was twice read and referred to the committee on the judiciary.

Bill No. 248, of the message, was read three several times, the rule having been suspended, and passed.

Bill No. 262, of the message, was read the first time and passed to a second reading.

The following message was received from the House of Representatives by Mr. McCoy, a member:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed an engrossed bill thereof,

No. 269, providing for the organization of the Shelbyville Rifle company;

In which the concurrence of the Senate is respectfully requested.

Bill No. 269, of the above message, was read a first and second times and referred to the committee on military affairs.

The following message was received from the House of Representatives, by Mr. Hager, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill of the Senate without amendment, as follows:

No. 103, an act to authorize the Recorder of Cass county to correct his records in a certain case therein named;

Also the following engrossed bills of the House:

No. 168, an act to amend an act, approved Feb. 6, 1837, entitled an act to provide for distributing so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 28, 1836;

No. 231, an act providing for the opening and repairing public roads and highways in the county of Monroe;

No. 259, an act to secure the safety of the public funds, by requiring bonds of certain officers;

No. 264, an act to incorporate the town of Wilmington in Delaware county;

No. 265, an act to change the time of holding the probate courts in Daviess county;

No. 268, an act for the relief of Alexander Beard;

In which the concurrence of the Senate is respectfully requested.

Bill No. 168, of the above message, was twice read and referred to the committee on education.

On motion of Mr. Nave,

The bill of the Senate on the same subject as the above, was taken up and referred to the same committee.

Bill No. 231, of the message, and bill No. 265, were read three several times, the rule having been suspended, and passed.

Bills No. 259 and 268, of the message, were twice read and referred to the committee on canals and internal improvements.

Bill No. 264, of the message, was read a first and second times and referred to the committee on corporations.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bills of the Senate, as follows, without amendment:

No. 58, an act to authorize John Brown, to invest certain money in bank stock for the use of heirs;

No. 85, an act to change a state road therein named;

No. 91, an act to incorporate the Orleans Band of Musicians;

No. 108, an act to re-locate a part of a state road therein named;

No. 132, an act to incorporate the Putnam Band of Music;

No. 133, an act to amend an act to allow further time to the Lawrenceburgh and Indianapolis Rail-road company to settle up and close their affairs, approved Feb. 18, 1840;

No. 139, an act for the relief of certificate holders to certain school lands in Monroe county;

Also the following bills and joint resolution of the House:

No. 179, an act to amend an act to regulate the mode of doing county business in the several counties in this state;

No. 189, an act in relation to school moneys deposited with the superintendent of the Loan Office;

No. 277, an act to vacate a certain state road, in Tippecanoe county;

No. 280, an act attaching Sprinklesburgh and Mt. Prospect to the town of Newburg in Warrick county, and for other purposes,

No. 282, an act providing for the location of a state road and for other purposes;

No. 283, an act declaring certain names a misprint, in the act locating a state road from Washington to Portersville;

No. 296, an act to establish a state road therein named;

No. 293, a joint resolution relative to the judicial circuits;

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 179, 277, 280, 282, 283, 296, and 293, named in the above message, were read three several times, the rule having been suspended and passed.

Bill No. 189, of the above message, was twice read and referred to the committee on education.

The following message was received from the House of Representatives, by Mr. Graham, a member:

MR. PRESIDENT—

The House of Representatives have passed the following engrossed bill of the Senate:

No. 124, an act concerning a state road in Tippecanoe county,

Also the following engrossed bills of the House:

No. 267, an act relative to the will of George Boon, late of Sullivan county, deceased;

No. 292, an act to re-locate part of a state road therein named;

In which I am directed to ask the concurrence of the Senate.

The bills named in the above message, Nos. 267 and 292, were read three several times and passed.

Mr. Parker, leave being granted, introduced bill,

No. 144, to fix the time of holding courts in the 6th judicial circuit;

Which was read three several times, the rule having been suspended, and passed.

Mr. Beard of M., from the committee on finance, made the following report;

MR. PRESIDENT—

The committee on finance, to whom was referred an engrossed bill of the House of Representatives, No. 119, entitled a bill regulating the salaries of Auditor, Secretary and Treasurer of State, have according to order, had that subject under their consideration, made two amendments thereto, and directed me to report the same, and ask the concurrence of the Senate therein.

Mr. Arion moved to concur in the amendment with an amendment, allowing the Secretary of State an increase of his salary in proportion to the increase proposed by the amendment of the committee, to the salaries of the Auditor and Treasurer of State.

Before the question was taken thereon,

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

ORDERS OF THE DAY.

Bill No. 114, of the House, to authorize William L. McKinney, a minor,, to sell certain real estate therein named,

Was read the second and third times and passed.

Mr. Arion moved to suspend previous orders of business and take up bill No. 140, of the Senate, to provide for running the ears on the Madison and Indianapolis Rail-road;

Which was agreed to, and said bill read a second time and referred to the committee on canals and internal improvements.

Bill No. 114, of the Senate, supplemental to an act relative to crime and punishment, approved Feb. 10, 1831,

Was twice read and referred to the committee on the judiciary.

Bill No. 115, of the Senate, for the relief of Ann Gertrude Brick and Adam and Marion Brick;

No. 118, of the House, to amend an act entitled an act to incorporate the town of Indianapolis in the county of Marion, approved Feb. 17, 1838;

No. 122, of the Senate, to provide for the distribution of the school fund in Jackson county;

No. 133, of the Senate, to amend an act entitled an act to incorporate the Delphi Insurance company;

No. 125, of the Senate, to amend an act incorporating congressional townships and providing for public schools therein, approved Feb. 17, 1838;

Were severally read a second and third times and passed.

Bill No. 116, of the House, to extend to the settlers on the Wabash and Erie canal lands the benefits of an act for the relief of settlers on the Wabash and Erie canal lands, approved Feb. 24, 1840;

Referred to the committee on canals and internal improvements.

Bill No. 117, to provide for the formation of the county of Tipton and for other purposes,

Was read a second time.

Mr. Chamberlain moved to amend said bill with five additional sections.

On motion of Mr. Baird, said bill and amendment were referred to a select committee.

Ordered, That said committee consist of Messrs. Stevenson, Clark and Hargrove.

Bill No. 125, of the House, to authorize the board doing county business in Spencer county, to increase the number of places of holding elections in said county.

Was read a second and third times and passed.

Bill No. 126, of the House, to amend an act to regulate the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838,

Was read a second time, and,

On motion of Mr. Morgan, laid on the table.

No. 126, of the Senate, to amend an act entitled an act allowing and regulating the writ of ad quod damnum, approved December 20, 1823,

Was read a second time and referred to the committee on the judiciary.

Bill No. 127, of the Senate, for the redemption of Treasury notes, Was read a second time.

Mr. Dobson moved to amend said bill by striking out the first section and inserting the following:

Sec. 1. The outstanding Treasury notes are hereby made receivable for the principal and interest of Wabash and Erie canal lands, as well those already sold as those to be sold;

Which was not agreed to.

Mr. Lowe moved to commit said bill to the committee on education with instructions to provide,

That the outstanding Treasury notes be made receivable in payment of principle or interest on canal lands, sold or to be sold, and the amount so received, be credited to the state for money advanced for the prosecution of the Wabash and Erie canal.

Mr. Lowe having withdrawn his motion to commit,

The question was put on ordering said bill to be engrossed, and

The ayes and noes being ordered by Mr. Thompson and Mr. Lowe,

Those who voted in the affirmative were,

Messrs. Arion, Beard of Montgomery, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Ewing, Hanna, Harris, Hoover, Mofatt, Morgan, Mount, Parker, Riley, Watts, Williams and Wright—19.

Those who voted in the negative were,

Messrs. Aker, Armstrong, Baird of St. Joseph, Bell, Berry, Carr, Chamberlain, Dobson, Everts, Foster, Hackett, Harris, Hargrove, Kinzer, Herriott, Lowe, McCord, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, and Thompson—24.

So said bill was lost on engrossment.

Mr. Baird of St. Joseph, leave being granted, presented the remonstrances of sundry citizens of Wabash county, against the formation of a new county, which were referred to the same select committee to which a bill on that subject had been referred.

Mr. Armstrong made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills have compared the enrolled with the engrossed bill of the House,

No. 250, an act fixing the times of holding courts in the eighth judicial district,

And find the same truly enrolled.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bill of the House, No. 250, an act fixing the time of holding courts in the eighth judicial circuit,

I have been directed to bring the same to the Senate for the signature of the President thereof;

And the President signed said bill.

The joint committee on enrolled bills report, that they have compared the following engrossed with the enrolled bill, and find the same truly enrolled, to-wit:

No. 120 of the House, an act to provide for Keeper of the State House and Library.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed bill of the House of Representatives, to-wit:

No. 150, an act for the relief of the Miami and other Indians,

And have found the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Henley, a member:

MR. PRESIDENT—

The speaker having signed the following enrolled bills of the House;

No. 121, to provide for the Keeper of the State House and Library;

No. 150, for the relief of the Miami and other Indians;

Also, the following enrolled bills of the Senate:

No. 63, in relation to tolls upon the public works;

No. 72, a joint resolution in relation to duties on foreign goods;

No. 73, to amend an act entitled an act for the encouragement of agriculture, approved, Feb. 7, 1835;

No. 74, for the relief of Micajah Barkley;

No. 78, to amend the act authorizing the seizure of boats and other vessels for debt, approved, Feb. 17, 1838;

No. 105, to extend a certain street in the town of Bloomington, and for other purposes;

No. 110, to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State;

No. 135, to carry into effect an act entitled an act establishing a state road therein named, approved, February 15, 1839;

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

Mr. Williams made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have presented to his Excellency the Governor, for his approval and signature, the following bills and joint resolutions of the Senate, to-wit:

No. 63, an act in relation to tolls upon the public works;

No. 72, a joint resolution in relation to duties on foreign goods;

No. 73, an act to amend an act entitled, an act for the encouragement of agriculture, approved, February 7, 1835;

No. 74, an act for the relief of Micajah Barclay;

No. 78, an act to amend the act authorizing the seizure of boats and other vessels for debt, approved, February 17, 1838;

No. 105, an act to extend a certain street in the town of Bloomington, and for other purposes;

No. 110, an act to amend an act entitled, an act to regulate the mode of doing county business in the several counties in this State;

No. 135, an act to carry into effect an act entitled an act establishing a state road therein named, approved, February 15, 1839;

Also, a bill of the House of the following title, to wit:

No. 120, an act to provide for keeper of the State House and Library.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bill of the House of Representatives, to wit:

No. 150, an act for the relief the Miami and other Indians.

On motion, the Senate adjourned.

TUESDAY MORNING, FEB. 2d, 1841.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bills and joint resolution of the Senate, as follows, without amendment:

No. 82, an act to authorize Enos Blair, former collector of Monroe county, yet to collect any taxes remaining due and unpaid, for the years 1836-7-8;

No. 84, an act for the relief of Henry Goode, of the county of Boone;

No. 86, an act to authorize the Seminary Trustees of Randolph county to borrow money, and for other purposes;

No. 88, a joint resolution on the subject of Mr. Benton's bill, to establish a permanent prospective pre-emption system in favor of settlers on the public lands, who shall inhabit and cultivate the same, and build a log cabin thereon;

No. 113, an act to amend an act attaching Decatur county to the 6th judicial circuit, and for other purposes, approved, Feb. 13, 1840,

No. 119, a joint resolution on the subject of the State Bank of Indiana;

Also, the following engrossed bills of the House:

No. 199, an act to re-locate the county seat of Sullivan county;

No. 278, an act for the benefit of Adam E. Rhodes;

No. 279, an act to authorize the erection of a mill-dam across Eel River, in Wabash county;

In which the concurrence of the Senate is respectfully requested.

Bill No. 199, of the message was read twice, and referred to a select committee of Messrs. Moffatt, Carnan, and Blair;

Bill No. 278 of the message, was read three several times and passed;

Bill No. 279 of the message, was read three several times and passed.

Mr. Baird of St. Joseph, presented the petition of sundry citizens of Kosciusko county, in relation to the county seat of said county;

Which was referred to the same select committee to which petition upon the same subject had been previously referred.

Mr. Elliott presented the petition of sundry citizens of Kosciusko and Wabash counties in reference to the formation of a new county;

Which was referred to the same select committee to which similar petitions had been referred.

Mr. Harris presented the petition of sundry citizens of Carroll county, in reference to the water-power, on Wabash dam No. 4;

Which was referred to the committee on canals and internal improvements.

Mr. Test moved to take up bill No. —, for the relief of David Stivers; which did not prevail.

The report of the committee of finance was made on yesterday with amendments to bill No. 119 of the House, regulating the salaries of the Auditor, Treasurer, and Secretary of State, came up in order.

Mr. Stevenson moved to recommit said bill and pending amendments to the same committee;

Which was agreed to.

Mr. Cravens, from the committee on finance, made the following report:

MR. PRESIDENT:

The Standing committee on finance to whom was referred an engrossed bill of the House of Representatives No. 78, providing for the payment of the bank debt, have had the same under consideration, and have made one amendment, viz: strike out all after the enacting clause, and insert the bill herewith reported.

The report was concurred in.

Mr. Chamberlain moved to re-commit said bill, with instructions to inquire into the circumstance and authority under which said debt was created, and in what manner the money so borrowed was applied.

A division of the question being called for,

The question was taken on re-committing,

And decided in the negative.

Mr. Dobson moved to amend said bill by striking out "bank" in the 2d section, and inserting "state;"

Which did not prevail.

On motion of Mr. Baird of St. Joseph, the amendment was considered as engrossed, and said bill was read a third time.

And the question being put, shall the said bill pass?

And the ayes and noes being called by Mr. Chamberlain, and Mr. Roberts,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Elliott, Everts, Ewing, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Tannehill, Test, Thompson, Watts, Williams, and Wright—33.

Those who voted in the negative were,

Messrs. Chamberlain, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nave, Nickel, Roberts, and Stevenson.

So said bill was passed.

Mr. Beard of M., from the committee on finance, made the following report:

MR. PRESIDENT—

The committee on finance to whom was re-committed the engrossed bill of the House of Representatives, regulating the salaries of Auditor, Secretary, and Treasurer of State, have had the same under consideration, and directed me to report the same back to the Senate without amendment, and recommend its passage.

Mr. Nave moved to amend said bill, by striking out the three first sections, and inserting the following:

SEC. 1. That the Auditor of Public Accounts shall receive an annual salary of one thousand dollars, payable quarterly, by warrants drawn on the Treasurer, by the Governor, which salary shall be audited and paid out of the State Treasury, and shall commence at the time of entering upon the duties of his office, and shall be in full for Clerk hire, and all perquisites whatever.

SEC. 2. That the Treasurer of State shall receive an annual salary of one thousand dollars, to be paid quarterly, by warrants drawn on the Treasurer, by the Governor, which shall be audited

and paid out of the State Treasury, commencing at the time of entering upon the duties of his office, and which salary shall be in full of Clerk hire, and all perquisites whatever.

Sec. 3. That the Secretary of State shall receive an annual salary of eight hundred dollars, to be paid quarterly, by warrants drawn on the Treasurer, by the Governor, which shall be audited and paid out of the State Treasury, commencing at the time of entering upon the duties of his office, and which salary shall be in full of Clerk hire, and all perquisites whatever.

A division of the question being called for,

The question was on striking out,

And the ayes and noes being ordered by Mr. Nave and Mr. Hackett,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Bell, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Moffatt, Nave, Nickel, Roberts, Stevenson, Tannehill and Thompson—20.

Those who voted in the negative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of Mont., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Morgan, Mount, Parker, Riley, Test, Watts, Williams and Wright—25.

So the motion to strike out did not prevail.

Mr. Hanna moved to amend said bill, by striking out \$800 and inserting \$1000, in the section which provides for the salary of the Secretary of State.

A division being called for,

The question was put on striking out;

The ayes and noes being ordered by Mr. Hanna and Mr. Arion,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. Joseph, Beard of Mont., Blair, Eggleston, Everts, Hackett, Hanna, Kinzer and Test—10.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Bell, Berry, Carnan Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Elliott, Ewing, Foster, Hargrove, Harris, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Watts and Williams—35.

So the motion to strike out did not prevail.

Mr. Hanna moved to strike out "\$1000," where it occurs in the bill, and insert \$800.

The ayes and noes being ordered by Mr. Moffatt and Mr. Hanna,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, Moffatt, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill and Thompson—21.

Those who voted in the negative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Herriott, Hoover, McCord, Morgan, Mount, Parker, Riley, Test, Watts and Williams—24.

So the motion was lost.

Mr. Test moved to amend said bill, by adding the following:

Provided, That nothing herein contained shall be so construed as to prevent said Secretary of State from receiving the usual perquisites now allowed by law for issuing certificates under seal of State, and making out and certifying copies of the acts of the Legislature when demanded by individuals;

Which did not prevail.

Mr. Lowe moved to amend said bill, by adding the following:

Sec. That so much of the 17th section of a law, approved February 17th, 1838, as gives to the Superintendent of the Loan Office \$75, be and the same is hereby repealed, and that the three-fourths of one per cent. allowed to said Superintendent be paid by said agent into the State Treasury;

Which amendment did not prevail.

The rule having been suspended, said bill was read a third time.

And, on the question being put, shall said bill pass?

The ayes and noes were ordered by Mr. Harris and Mr. Test,

Those who voted in the affirmative were,

Messrs. Aker, Baird of St. Joseph, Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Watts, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Bell, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, Test and Thompson—22.

So said bill was passed.

Mr. Hoover from the committee on finance, made the following report:

MR. PRESIDENT—

The committee on finance to whom was referred the petition of John S. Forgey, late collector of Tippecanoe county, have had the subject matter under consideration, and have directed me to report the following bill, and recommend its passage.

Bill, No. 145, for the relief of John S. Forgey, late collector of Tippecanoe county for the year 1839;

Was read the first time and passed to a second reading.

Mr. Parker, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred bill of the House, numbered 149, being "a bill to enable the Treasury to meet the current demands for the civil list for 1841, growing out of the deficit of 1840," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

The report was concurred in, and the rule having been suspended, said bill was read a third time and passed.

Mr. Parker, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a Joint Resolution of the Senate, numbered 49, "providing for the civil list for the year 1841," have had the same under consideration, and have directed me to report, that the same matter is now before the Senate in the form of a bill from the House; they, therefore, recommend that the resolution be indefinitely postponed.

The committee have directed me further to report, that they have had under consideration sundry resolutions of the Senate in reference to the revenue, to wit:

1. To reduce the per centum for collection.
2. That part of the Ex-Governor's message which relates to assessment.
3. The appointment of assessors and collectors in each township.
4. Concerning the taxation of Pedlars.
5. That part of the Ex-Governor's message which relates to the taxes of the State.
6. Farming out the collection of the taxes to the lowest bidder.
7. Changing the mode of selecting County Treasurers, so as to require their election by the people; and
8. As to requiring the members of the county boards to enter into bonds for the discharge of their duty;

And have directed me to report, that they deem all these matters

sufficiently before the Senate in the several bills reported from the House on these subjects; they, therefore, ask to be discharged from their further consideration.

The report was concurred in, and the committee discharged.

Mr. Blair from the committee on military affairs, made the following report:

MR. PRESIDENT:

The committee on military affairs, to which was referred a bill relative to the organization of the Shelbyville Rifle Company, have had the subject under consideration, and report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in, and said bill read a third time and passed.

Mr. Dobson, from the committee on claims, made the following report:

MR. PRESIDENT—

The committee on claims to whom was referred the petition of J. B. Johnson, have had the same under consideration, and have directed me to report, that it is inexpedient to legislate upon that subject, and ask to be discharged.

On motion of Mr. Beard of M.,

The petition referred to in the above report, was recommitted to the same committee.

The report from the committee on the State Prison, with the bill of the House which had been referred to said committee, regulating the affairs of the State Prison, come up in order,

And the rule having been suspended, said bill was read a third time and passed.

Mr. Watts, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred a bill of the House, No. 50, an act to amend an act entitled, 'an act to amend and revise the act entitled, an act to incorporate the several townships in the county of Dearborn, approved February 1st, 1834,' have had the same under consideration, and have instructed me to report it back to the Senate with one amendment, to wit:

Strike out all of said bill but the first section,

And with that amendment, recommend the passage of the bill.

The report was concurred in, and said bill read a third time and passed.

Mr. Thompson, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to which was referred a bill of the House of Representatives, No. 117, entitled a bill to confirm to Nathaniel West a certain lease of water power therein named, have instructed me to make one amendment, to wit: add to the first section the following—
Provided the State, at the expiration of the lease herein for thirty years, is disposed to again lease said water power; to which amendment the concurrence of the Senate is requested.

The amendment was not concurred in.

The rule having been suspended, said bill was read a third time and passed.

Bill, No. 200, in relation to the counties of Blackfork and Jay, reported back by a select committee on Saturday, came up in order.

Mr. Ewing moved to indefinitely postpone said bill.

The ayes and noes being ordered, by Mr. Ewing and Mr. Watts,

Those who voted in the affirmative were,

Messrs. Blair, Carnan, Clark, Collins, Dobson, Eggleston, Ewing, Herriott, McCord, Moffatt, Mount, Nickel, Riley, Roberts, Test, Thompson, Watts, Williams and Wright—19.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Beard of M., Berry, Carr, Chamberlain, Elliott, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Lowe, Morgan, Parker, Stafford, Stevenson and Tannehill—20.

So said motion did not prevail.

The question was then taken on suspending rule, and reading said bill a third time now, and decided in the negative.

Mr. Ewing moved to lay said bill on the table,

Which was decided in the negative;

And said bill was ordered to a third reading.

Mr. Thompson from a select committee made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate, also a bill of the House of Representatives, No. 98, the object of each to regulate the taking up of animals going astray and water crafts and other articles of value adrift, have after examining their provisions, instructed me to amend them by striking out each bill and substituting the following bill, to which the concurrence of the Senate is requested.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. McCord, leave being granted, offered the following resolution:

Resolved, That a select committee of three be appointed by the chair, and that they be instructed to report to the Senate a bill on the following basis.

1st. Provide for placing under contract such portions of the public works as are, in opinion of said committee, in such state of forwardness that the State will materially suffer by further suspension of them, regarding especially the probability of such portion of work as may be so placed under contract, yielding in toll a nett profit to the State on the amount it will cost to place such part of the work in proper condition to be placed under toll. To provide for the completion of any contract, and where it may be necessary to procure transfers of contracts from one work to another, so as in all cases to secure as nearly as practicable the completion of a continuous route on each line to some one of the great out-lets. These works to be prosecuted as soon as the means of the State, as herein provided, will permit; and to suspend for the present all other operations on said works, or any others provided for by the bill of 1836, excepting from said suspension the construction of the continuation of the Wabash and Erie Canal west of Tippecanoe River; *Provided*, Congress shall grant to the State of Indiana lands for the construction of said canal; and also to except from said suspension the improvement of the Wabash River, according to the true intent and meaning of the act of 1836.

2d. To authorize the sale of the securities for the suspended debt, if in the opinion of such fund commissioners the State will not lose more by selling them than in suspending operations upon the works. The proceeds of such sales in all cases to be first applied to the payment of the interest on the State's internal improvement debt; and the residue to be employed by the Board of Internal Improvements in prosecuting the works ordered to be placed under contract.

Mr. Baird of St. Joseph moved to amend said resolution by adding as follows:

Nothing in this resolution shall be so construed as to authorize any further appropriations upon the public works at this time;

Which did not prevail.

Mr. Dobson moved to amend said resolution by striking out all relating to the opinion of the fund commissioners in the second section.

The ayes and noes being demanded by Mr. Dobson and Mr. Foster,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Carr, Chamberlain, Cravens, Dobson, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Lowe, Nave, Nickel, Roberts, Stafford, Watts, Williams and Wright—25.

Those who voted in the negative were,

Messrs. Aker, Beard of Montgomery, Blair, Carnan, Collins, Eggleston, Elliott, Everts, Herriott, McCord, Morgan, Mount, Parker, Riley, Stevenson, and Tannehill—16.

So said amendment was adopted.

The question was then put on the adoption of the resolution as amended,

And decided in the affirmative.

Mr. Armstrong moved to take from the table bill No. 62, suspending the further prosecution of the public works.

The ayes and noes being ordered by Mr. Armstrong and Mr. Lowe,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of Montgomery, Berry, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Lowe, McCord, Morgan, Nave, Nickel, Riley, Watts, and Wright—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Bell, Blair, Elliott, Everts, Foster, Herriott, Hoover, Moffatt, Mount, Parker, Roberts, Stafford, Stevenson, and Tannehill—17.

So said bill was taken from the table.

Mr. Angle moved to amend said bill by adding as follows:

Sec. —. Nothing in this act shall be so construed as to affect the appropriation heretofore made to the Madison and Indianapolis Rail Road.

Sec. —. The fund commissioner is hereby authorized to receive one hundred thousand dollars in rail road iron on the contract with the Morris Canal and Banking Company, which is hereby appropriated to said road, and shall by the board of internal improvement be applied thereon.

Mr. Elliott moved to amend the amendment by striking it out and inserting the following:

Provided, further, That nothing in this act shall be so construed as to prevent the Board of Internal Improvement from constructing to completion the Madison and Indianapolis Rail Road to Edinburgh, and the White Water Canal to the first feeder dam below Connorsville, out of any means that may be realized from the suspended debt of the State: *Provided,* it may not be necessary to use such means in the payment of the interest due on the bonds of the State."

A division being called for,

The question was put on striking out;

And the ayes and noes being demanded by Mr. Angle and Mr. Stevenson,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Bell, Cravens, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nave, Parker, and Williams—17.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of Montgomery, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, McCord, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Watts and Wright—26.

So the motion to strike out did not prevail.

The question then recurring on the adoption of the amendment proposed by Mr. Angle;

The ayes and noes being demanded by Mr. Angle and Mr. Eggleston,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Beard of Montgomery, Bell, Berry, Carr, Foster, Hanna, Herriott, Hoover, Moffatt, Nave, Nickel, Stafford, Stevenson, and Tannehill—17.

Those who voted in the negative were,

Messrs. Aker, Baird of St. Joseph, Blair, Carnan, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hackett, Hargrove, Harris, Lowe, McCord, Morgan, Mount, Parker, Riley, Roberts, Watts, Williams and Wright—26.

So said amendment was not adopted.

Mr. Chamberlain moved to amend said bill by striking out so much as relates to the letting out of the public works to companies;

Which did not prevail.

Mr. Elliott moved to amend said bill by adding, the amendment which he had proposed to the amendment offered by Mr. Angle.

Mr. Armstrong moved to amend the amendment by striking out the White Water Canal;

The ayes and noes being ordered by Mr. Armstrong and Mr. Harris,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of Mont., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Dobson,

Eggleston, Hackett, Hargrove, Harris, McCord, Riley, Roberts, Stevenson, and Wright—21.

Those who voted in the negative were,

Messrs. Aker, Arion, Bell, Cravens, Elliott, Everts, Ewing, Foster, Hanna, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Stafford, Tannehill, Watts and Williams—22.

So said motion did not prevail.

Mr. Chamberlain moved to amend said amendment by striking out the Madison and Indianapolis Rail Road.

The ayes and noes being demanded by Mr. Chamberlain and Mr. Hackett,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Blair, Carnan, Chamberlain, Clark, Collins, Dobson, Eggleston, Hackett, Hargrove, Harris, McCord, Riley, Roberts, Watts and Wright—16.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Beard of Montgomery, Bell, Berry, Carr, Cravens, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Stafford, Stevenson, Tannehill, and Williams—26.

So said motion did not prevail.

Mr. Stevenson moved to amend the amendment by striking out "the first feeder dam below Connorsville," and inserting Laurel feeder dam.

The ayes and noes being demanded by Mr. Stevenson and Mr. Armstrong,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of Montgomery, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, McCord, Nickel, Riley, Roberts, Stafford, Stevenson, Watts and Wright—27.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Bell, Elliott, Everts, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nave, Parker, Tannehill, and Williams—16.

So said amendment prevailed.

Mr. Eggleston moved to amend said amendment, by striking out all after the word "realized," and inserting the following:

"Out of the suspended debt of the State after paying the accruing interest of the State debt, and after redeeming the out-standing treasury notes of the State, to which purposes said suspended debt is specifically appropriated."

The ayes and noes being demanded by Mr. Bell and Mr. Hackett,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of Montgomery, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Ewing, Hackett, Hanna, Hargrove, Harris, Hoover, Lowe, McCord, Moffatt, Morgan, Nickel, Parker, Riley, Roberts, Stafford, Watts, Williams and Wright—32.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Bell, Everts, Foster, Herriott, Mount, Nave, and Tannehill—10.

So said amendment was adopted.

Mr. Elliott moved to lay the bill and pending amendments on the table.

The ayes and noes being demanded by Mr. Elliott and Mr. Armstrong,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Mont., Bell, Elliott, Foster, Hanna, Herriott, Moffatt, Mount, Parker, Tannehill, and Williams—14.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Jos., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Hoover, Lowe, McCord, Morgan, Nave, Nickel, Riley, Roberts, Stafford, Watts, and Wright—28.

So the motion to lie on the table did not prevail.

Mr. Blair moved further to amend the amendment so as to provide for "the grading of the road from Lafayette to Crawfordsville, and the completion of the bridge over Eell river, near Greencastle, in Putnam county," which was not adopted.

Mr. Hanna moved to amend the amendment by adding as follows: "Provided further, that nothing herein shall prevent the application of the unexpended balance of the \$400,000 heretofore appropriated on the Madison road towards the completion of said road."

The ayes and noes being demanded by Mr. Hanna and Mr. Riley,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Beard of M., Bell, Berry, Carnan, Carr

Cravens, Foster, Hanna, Herriott, Moffatt, Morgan, Nave, Nickel, Stafford, Stevenson, Tannehill, and Wright—19.

Those who voted in the negative were,

Messrs. Angle, Baird of St. J., Blair, Chamberlain, Clark, Collins, Dobson, Eggleston, Elliott, Everts, Ewing, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Mount, Parker, Riley, Roberts, Thompson, Watts, and Williams—25.

So said amendment did not prevail.

Mr. Parker moved to postpone the further consideration of the bill and amendments, till Monday next.

The ayes and noes being demanded by Mr. Parker and Mr. Armstrong,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Nave, Parker, Stafford, Stevenson, Tannehill, and Williams—20.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Jos., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Nickel, Riley, Roberts, Thompson, Watts, and Wright—25.

So said motion was lost.

Mr. Elliott moved to lay said bill and pending amendments on the table.

The ayes and noes being demanded thereon by Mr. Elliott and Mr. Aker,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Mont., Bell, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Moffatt, Mount, Parker, Stafford, Stevenson, Tannehill, and Williams—18.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Jos., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Nave, Nickel, Riley, Roberts, Thompson, Watts, and Wright—26.

So said motion did not prevail.

Mr. Eggleston moved the previous question, which being seconded, The question was then, shall the main question be now put?

The ayes and noes being demanded by Mr. Elliott and Mr. Arion,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Jos., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Nave, Riley, Roberts, Thompson, Watts, and Wright—26.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Elliott, Everts, Foster, Hanna, Hackett, Hoover, Moffatt, Mount, Nickel, Parker, Stafford, Stevenson, Tannehill, and Williams—19.

So the main question was ordered to be put, which main question was, shall the bill be read a third time now?

The ayes and noes being demanded by Mr. Harris and Mr. Riley,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Jos., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Nave, Riley, Roberts, Stevenson, Thompson, Watts, and Wright—27.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Elliott, Foster, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Nickel, Parker, Stafford, Tannehill, and Williams—18.

So the main question prevailed, and said bill was read a third time, and on the question being put, shall said bill pass?

The ayes and noes being demanded by Mr. Eggleston and Mr. Harris,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Jos., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Lowe, McCord, Morgan, Nave, Nickel, Riley, Roberts, Thompson, Watts, and Wright—27.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Elliott, Foster, Hanna, Herriott, Hoover, Moffatt, Mount, Parker, Stafford, Stevenson, Tannehill, and Williams—17.

So said bill passed.

Mr. Stevenson had leave to introduce joint resolution, No. 146, in relation to the \$300,000 dollars of State bonds wrongfully withheld

from the State, which was read a first time and passed to a second reading.

Mr. Parker, leave being granted, made the following report:

MR. PRESIDENT—

The committee of free conference heretofore appointed to take into consideration the disagreement between the Senate and the House, in reference to the amendment of the House to bill of the Senate, No. 25, have agreed that the Senate recede from the refusal to concur in the amendment of the House. The report was concurred in.

The following message was received from the Governor, by Mr. Moore, his private Secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate, that on this day he has approved and signed

A joint resolution in relation to duties on foreign goods.

An act to carry into effect an act entitled, an act establishing a State road therein named, approved February 15, 1839.

An act to amend an act entitled, an act to regulate the mode of doing county business in the several counties in this State.

An act to extend a certain street in the town of Bloomington, and for other purposes.

An act to amend the act authorizing the seizure of boats and other vessels, for debt, approved Feb. 17, 1838.

An act for the relief of Micajah Barkley.

An act to amend an act entitled, an act for the encouragement of agriculture, approved Feb. 7, 1835.

An act in relation to tolls upon the public works, all of which originated in the Senate.

Mr. Williams, from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report that they have compared the following engrossed bills of the House, with the enrolled, and find the same truly enrolled, to-wit:

No. 265, an act to change the time of holding probate courts in Daviess county.

No. 267, An act relative to the will of George Boon, late of Sullivan county, deceased.

No. 280, an act attaching Sprinklesburgh and Mount Prospect, to the town of Newburgh, in Warrick county, and for other purposes.

No. 282, an act providing for the location of a State road, and for other purpose.

No. 283, an act to declare certain names misprints, in the act concerning the State road from Washington to Portersville.

No. 292, an act to re-locate part of a State road therein named.

No. 231, an act providing for opening and repairing public roads and highways, in the county of Monroe.

No. 114, an act to authorize Wm. L. McKinney, a minor, to sell real estate therein named.

No. 118, an act to amend an act entitled, an act to incorporate the town of Indianapolis, in the county of Marion, approved February, 17, 1840.

No. 125, an act to authorize the board doing county business in Spencer county, to increase the number of places of holding elections in said county.

No. 248, an act to authorize the citizens of Montgomery and Putnam counties to open a part of the New Albany and Crawfordsville turnpike road therein named.

No. 277, an act to vacate a certain State road in Tippecanoe county.

No. 296, an act to establish a State road therein named.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills of the Senate:

No. 103, an act to authorize the recorder of Cass county to correct his records in a certain case therein mentioned.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bill.

Message from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate that the House has concurred in the amendment of the Senate to bill of the House, No. 125, an act to authorize the board doing county business in Spencer county to increase the number of places of holding elections in said county.

On motion, the Senate adjourned.

WEDNESDAY MORNING, FEBRUARY 3, 1841.

The Senate assembled.

Mr. Ewing, from a select committee, had leave to make the following report:

MR. PRESIDENT—

The select committee on the subject of modification, to whom was referred the petition of L. G. Thompson and others, for the passage of a law, authorizing an exchange of certificates receivable in payment for canal lands, &c., for the drafts now holden by them for work done by them on the Wabash and Erie canal, have had said petition under consideration, and have given me permission to report the bill herewith reported, for the relief of said petitioners and others.

Bill No. 147, in relation to work done and to be done on the Wabash and Erie canal, was read a first time and passed to a second reading to-morrow.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

Resolved, That this House will, the Senate concurring therein, proceed, on to-morrow (to-day,) at 2 o'clock, P. M., to the election of a director on the part of the State in the State Bank, to supply the place of Calvin Fletcher, Esq., whose term of service has expired; and that the Senate be informed thereof, and their concurrence respectfully requested.

On motion of Mr. Dobson,

The above resolution of the house of Representatives, was reciprocated by the Senate, and Messrs. Dobson and Beard of M. appointed tellers on the part of the Senate.

Mr. Collins had leave to introduce joint resolution, No. 148, to suspend the act passed at the present session of the General Assembly, to provide for a keeper of the State House and Library, which was twice read, the rule having been suspended.

Mr. Lowe moved to amend said joint resolution by striking out all requiring the Secretary of State to inform the Legislature of his acceptance of the duties assigned by said joint resolution, which did not prevail.

Mr. Tannehill moved to suspend the rule and read said joint resolution a third time now, which did not prevail; and it was ordered to be engrossed, and read a third time to-morrow.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate, that the House has passed engrossed bills of the Senate, as follows, without amendment:

No. 93, an act to regulate the time of holding circuit courts within the second judicial circuit of this State.

No. 123, an act to amend an act entitled, an act to incorporate the Delphi insurance company, approved Feb. 4, 1837.

Also, the following engrossed bills of the House:

No. 234, an act authorizing the survey of a canal from Peru, to the head of Salt river, and the Erie and Michigan canal.

No. 289, an act attaching certain territory therein named, to Jasper county.

No. 290, an act to locate a State road therein named.

No. 298, an act to amend an act entitled, an act concerning enclosures, and trespassing animals, approved Feb. 17, 1838, in which the concurrence of the Senate is respectfully requested.

Bills No. 234, 289, and 298, named in the above message, were severally read a first time, and passed to a second reading.

No. 290, of the message, was read three several times, the rule having been suspended, and passed.

The following message was received from the House of Representatives, Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate, that the House has concurred in the amendment of the Senate, to bill of the House, No. 100, to provide in part for the payment of the interest on the public debt, with an amendment, in which the concurrence of the Senate is respectfully requested.

The House has also passed engrossed bills thereof, as follows:

No. 274, an act to incorporate the Philolethean society, in Jefferson county.

No. 308, an act to authorize Wm. Patterson to sell certain lands, and real estate; in which the concurrence of the Senate is requested.

The amendment of the House to bill No. 100, was concurred in by the Senate.

Bill No. 274, of the above message, was read three several times, and passed.

Bill No. 308, of the message, was twice read and referred to the committee on the judiciary.

On motion of Mr. Aker,

The order of business was suspended, and bill No. 251, of the House, to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes, was taken from the table, and read a third time.

Mr. Watts moved to re-commit said bill to a select committee with instructions to report a general law, upon the subject.

The instructions were amended, on motion of Mr. Aker, so as to require them to report as early as practicable.

Ordered, That the select committee consist of Messrs. Watts, Aker, and Morgan.

On motion of Mr. Harris,

The petition of sundry citizens of Carroll county, praying a repeal of the law, requiring that debtors shall be sued before justices of the peace, in the townships in which they reside, so far as relates to Carroll county, was taken from the table, and referred to a select committee of Messrs. Harris, Hoover, and Wright.

Mr. Wright presented the petition of sundry citizens of the county of Cass, praying for the passage of a valuation law, which was referred to the same select committee to which similar petitions had been referred.

Mr. Aker, presented the petition of sundry citizens of Delaware county, praying for the repeal of an act locating a State road therein named, which was referred to a select committee of Messrs. Aker, Hoover, and Everts.

Mr. Everts presented a memorial of the citizens of Michigan city, in reference to a revision of the charter of said city, which was referred to a select committee of Messrs. Everts, Parker, and Nave.

Mr. Parker, from the committee on finance, made the following report:

Mr. PRESIDENT—

The committee on finance have had under consideration, agreeably to order, engrossed bill of the House, No. 160, being "an act to value the property of this State," and they have instructed me to report the same back with one amendment, and recommend its passage, to wit: add the following additional section:—

SEC. 22. Whenever the county Auditor, and in case there be no Auditor, then the Clerk of the county, shall deem it essential to the public interests, he shall have power at any time, and it is hereby made his duty, to call a special session of the Board doing county business."

The report was concurred in, and said bill read a third time.

Mr. Armstrong moved to recommit said bill, with instructions to strike out of the 8th section so much as requires the lands in Clark's Grant to be surveyed at the expense of the owners thereof;

Which did not prevail.

Mr. Chamberlain moved to recommit said bill, with instructions to provide for the election of the appraisers of property by the people.

A division being called for,

The question was on recommitting;

The ayes and noes being ordered by Mr. Armstrong and Mr. Hackett,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Blair, Carr, Chamberlain, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, Tannehill and Watts—14.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Carnan, Clark, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Roberts, Stevenson, Test, Thompson, Williams and Wright—30.

So the motion to recommit was lost.

Mr. Armstrong moved to indefinitely postpone said bill.

The ayes and noes being ordered by Mr. Armstrong and Mr. Riley,

Those who voted in the affirmative were,

Messrs. Armstrong, Chamberlain, Hackett, Harris and Kinzer—5.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Foster, Hanna, Hargrove, Herriott, Hoover, Lowe, McCord, Morgan, Mount, Nave, Nickel, Parker, Riley, Roberts, Stevenson, Tannehill, Test, Thompson, Watts, Williams and Wright—37.

So said motion did not prevail.

Mr. Eggleston moved to lay said bill on the table;

Which did not prevail.

Mr. Eggleston moved to postpone the further consideration of said bill till Monday next.

The ayes and noes being ordered thereon, by Mr. Stevenson and Mr. Armstrong,

Those who voted in the affirmative were,

Messrs. Armstrong, Blair, Carr, Chamberlain, Dobson, Eggleston, Foster, Hackett, Hanna, Harris, Kinzer, McCord, Roberts, Stevenson, Tannehill, Thompson, Watts and Wright—18.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Mont., Bell, Berry, Carnan, Clark, Collins, Cravens, Elliott, Everts, Hargrove, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Test and Williams—26.

So said motion did not prevail.

The question then being put, shall said bill pass?

The ayes and noes being ordered thereon by Mr. Armstrong and Mr. Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Mont., Bell, Carnan, Clark, Cravens, Elliott, Everts, Ewing, Foster, Hanna, McCord, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Parker, Riley, Test and Williams—25.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Blair, Carr, Chamberlain, Collins, Dobson, Eggleston, Hackett, Hargrove, Harris, Kinzer, Nave, Nickel, Roberts, Stevenson, Tannehill, Thompson, Watts and Wright—20.

So said bill passed.

On motion of Mr. Test,

Bill, No 107, for the relief of David Stivers, was taken from the table, read a third time and passed.

Mr. Parker, from the committee on finance, made the following report:

Mr. President—

The standing committee on finance, agreeably to order, have had under consideration engrossed bill of the House, No. 161, entitled "an act prescribing the duties of County Auditor," and have directed me to report the same back with the following amendments, and recommend its passage, to wit:

1st. SEC. 1, fifth line, strike out "1843" and insert "1846;" and also in the same line, strike out "1842" and insert "1845;" and further, in the same line, strike out "biennially" and insert "every fifth year;" and in the 7th line, strike out "two" and insert "five."

2d. SEC. 7, strike out.

3d. SEC. 27, first line, strike out "first" and insert "second."

4th. SEC. 30, second line, strike out the word "first" in both the places where it occurs, and in the first place insert "fifteenth," and in the second place "twenty-fifth;" and in the 7th line of the same section, strike out "last" and insert "first," and "December" and insert "January."

5th. SEC. 32, second line, strike out "last" and insert "first," and "December" and insert "January."

6th. SEC. 53, strike it out.

The amendments to said bill were concurred in, and

On motion, the Senate adjourned.

2 o'clock. P. M.

The Senate assembled.

Mr. Carnan had leave to introduce bill, No. 149, to amend the charter of the borough of Vincennes,

Which was read three several times and passed, the rule having been suspended.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

Mr. President:

The speaker having signed the following enrolled bills of the House: No. 114, to authorize William L. McKinney, a minor, to sell real estate therein named;

No. 118, to amend an act entitled, an act to incorporate the town of Indianapolis, in the county of Marion, approved, Feb. 17, 1840;

No. 125, to authorize the Board doing county business in Spencer county, to increase the number of places of holding elections in said county;

No. 231, providing the opening and repairing public roads and highways in the county of Monroe;

No. 248, to authorize the citizens of Montgomery and Putnam counties, to open a part of the New Albany and Crawfordsville turnpike road therein named;

No. 265, to change the time of holding probate courts in Daviess county;

No. 267, relative to the will of the late George Boon, deceased, of Sullivan county;

No. 277, to vacate a certain state road in Tippecanoe county;

No. 280, attaching Sprinklesburgh and Mount Prospect to the town of Newburgh in Warrick county, and for other purposes;

No. 282, providing for the location of a state road, and for other purposes;

No. 283, to declare certain names misprints, in the act concerning the state road from Washington to Portersville;

No. 292, to re-locate part of a state road therein named;

No. 296, to establish a state road therein named;

I have been directed to bring the same to the Senate for the signature of the President thereof;

And the President signed said bills.

Mr. Harris, from the committee on enrolled bills, made the following report:

Mr. President—

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed bills of the Senate, to-wit:

No. 58, an act to authorize John Brown to invest certain money in bank stock for the use of heirs;

No. 85, an act to change a state road therein named;

No. 91, an act to incorporate the Orleans Band;

No. 108, an act to re-locate a part of a state road therein named;

No. 124, an act concerning a state road in Tippecanoe county;
 No. 132, an act to incorporate the Putnam Band of Music;
 No. 133, An act to amend an act entitled, an act to allow further time to the Lawrenceburgh and Indianapolis Rail Road Company, to settle up and close their affairs, approved, February 18, 1840;
 No. 139, an act for the relief of certificate holders to certain school lands in Monroe county;
 And have found the same correctly enrolled.
 Mr. Williams from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following engrossed bills and joint resolutions of the House with the enrolled, and find the same truly enrolled, to-wit:

No. 82, an act defining the duties of petitioners for re-locating seats of justice, and for other purposes;

No. 103, an act to provide for the revision of the laws;

No. 107, an act to amend an act entitled, an act authorizing the appointment of pilots at the falls of the Ohio in this State, approved, February 7th, 1825;

No. 119, an act regulating the salaries of Auditor, Secretary, and Treasury of State;

No. 149, an act to enable the Treasurer to meet the current demands for the civil list for 1841 growing out of the deficit of 1840;

No. 252, an act further to amend an act entitled, an act dividing the State into judicial circuits, and fixing the time of holding courts therein, and for other purposes, approved, February 10th, 1831;

No. 155, an act for the re-location of the seat of justice of Blackford county;

No. 179, an act to amend an act entitled, an act to regulate the mode of doing county business in the several counties of this State;

No. 269, an act relative to the Shelbyville Independent Rifle Company;

No. 278, an act for the benefit of Adam E. Rhodes;

No. 230, an act legalizing the election of a probate judge in Kosciusko county;

No. 270, an act regulating the time of holding courts in the county of Madison, in the eleventh judicial circuit;

No. 293, a joint resolution relative to the judicial circuits;

No. 257, an act for the relief of George D. Moore of Randolph county;

No. 236, an act to amend the tenth section of an act entitled, an act relating to state roads, approved, February 24th, 1840;

No. 224, an act to amend an act entitled, an act to provide for the election of an additional justice of the peace and constable for Morgan township, in the county of Harrison, approved, Feb. 15, 1840;

No. 226, an act to amend an act entitled, an act for the relief of the

poor, approved, February 17, 1838, so far as the same relates to Marion county;

No. 227, a joint resolution for the benefit of St. Joseph county;

No. 214, joint resolutions on the subject of the National Road;

No. 243, an act repealing so much of an act regulating the jurisdiction and duties of justices of the peace, approved, February 17th, 1838, as relates to Madison county;

No. 212, an act relative to the vacating of Spring street in the town of Covington, in Fountain county;

No. 206, an act to amend an act entitled, an act to incorporate the Liverpool Bridge Company, approved, February 6th, 1837;

No. 130, an act to extend the benefit of an act entitled an act to incorporate the Marion Fire Engine Company, approved, January 20th, 1838;

No. 218, an act repealing the eighth section of an act incorporating the Leesburgh School Society, approved, February 24th, 1840;

No. 182, an act to confirm to Enoch D. John and Cornelius G. W. Comegys, certain water-power therein named;

No. 220, an act to change the name of the town of Milford in Warren county;

No. 254, an act providing for an additional term of the Delaware circuit court;

No. 213, an act to establish permanent corners to the streets, alleys, and lots, in the town of Corydon;

Mr. Williams made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following engrossed bills and joint resolutions of the Senate with the enrolled, and find the same truly enrolled to-wit:

No. 82, an act to authorize Enos Blair former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county for the years 1836-7 and 1838, for which he was collector;

No. 84, an act for the relief of Henry Good, of the county of Boone;

No. 88, an engrossed joint resolution of the General Assembly of the State of Indiana, on the subject of Mr. Benton's bill to establish a permanent prospective pre-emption system in favor of settlers on the public lands, who shall inhabit and cultivate the same and raise a log cabin thereon;

No. 86, an act to authorize the Seminary Trustees of Randolph county to borrow money, and for other purposes;

No. 113, an act to amend an act attaching Decatur county to the sixth judicial circuit, and for other purposes, approved February 13, 1840;

No. 119, an engrossed joint resolution on the subject of the State Bank of Indiana.

Mr. Williams made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have presented to his Excellency, the Governor, for his approval and signature, bills of the House as follows, to wit:

No. 114, an act to authorize William T. McKinney, a minor, to sell real estate therein named;

No. 118, an act to amend an act entitled an act to incorporate the town of Indianapolis in the county of Marion, approved February 17, 1840;

No. 125, an act to authorize the board doing county business in Spencer county to increase the number of places of holding elections in said county;

No. 231, an act providing for the opening and repairing public roads and highways in the county of Monroe;

No. 265, an act to change the time of holding probate courts in Daviess county;

No. 248, an act to authorize the citizens of Montgomery and Putnam counties to open a part of the New Albany and Crawfordville Turnpike road therein named;

No. 267, an act relative to the will of George Boon, late of Sullivan county, deceased;

No. 277, an act to vacate a certain state road in Tippecanoe county;

No. 280, an act attaching Sprinklesburgh and Mt. Prospect to the town of Newburgh in Warrick county and for other purposes;

No. 282, an act providing for the location of a state road and for other purposes;

No. 283, an act to declare certain names misprints, in the act concerning the state road from Washington to Portersville;

No. 292, an act to re-locate part of a state road therein named;

No. 296, an act to establish a state road therein named.

They also report that they have presented to his Excellency the Governor, for his approval and signature, the following bill of the Senate, to-wit:

No. 103, an act to authorize the Recorder of Cass county to correct his records in a certain case therein mentioned.

The hour fixed by the two houses having arrived, the Senate, with closed doors, proceeded to the election of a director of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of Calvin Fletcher;

When, upon counting the votes upon the first ballot, it appeared that

Calvin Fletcher received	- - - - -	22 votes.
Joseph L. Jernigan	" - - - - -	7 "
William T. T. Jones	" - - - - -	5 "
Scattering,	- - - - -	4 "

Calvin Fletcher having received a majority of all the votes given, the result was announced by the President.

Ordered, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the following sealed message in relation to the election of a director of the State Bank of Indiana.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that at an election held in the House in pursuance of a joint resolution of both Houses, for the purpose of electing a director on the part of the state, of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of Calvin Fletcher Esq., with closed doors, on the third ballot, Wm. T. T. Jones having received a majority of all the votes given, was declared duly elected on the part of the House.

Attest: J. H. HAGER, Clerk.

No choice having been made by a concurrent vote of the two Houses, the Senate again proceeded, with closed doors, to vote by ballot for a director of the State Bank;

And on counting the votes upon the first ballot, it appeared that

Calvin Fletcher received	- - - - -	19 votes.
Wm. T. T. Jones	" - - - - -	15 "
Scattering,	- - - - -	9 "

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to a second ballot, and on counting the votes it appeared that

Calvin Fletcher received	- - - - -	19 votes.
Wm. T. T. Jones	" - - - - -	17 "
Scattering	- - - - -	7 "

Neither of the gentlemen having received a majority of all the votes given, the Senate proceeded to a third ballot, when on counting the votes, it appeared that

Calvin Fletcher received	-	-	-	-	18 votes.
Wm. T. T. Jones	"	-	-	-	20 "
Scattering,	-	-	-	-	5 "

No person having received a majority of all the votes given, the Senate proceeded to a fourth ballot, and on counting the votes it appeared that

Calvin Fletcher received	-	-	-	-	21 votes,
William T. T. Jones	"	-	-	-	16 "
Scattering	"	-	-	-	6 "

No person having received a majority of all the votes given, the Senate proceeded to a fifth ballot, and on counting the votes it appeared that

Calvin Fletcher received	-	-	-	-	15 votes,
William T. T. Jones	"	-	-	-	14 "
N. B. Palmer,	"	-	-	-	8 "
Scattering,	-	-	-	-	7 "

No person having received a majority of all the votes given, the Senate proceeded to a sixth ballot, when, on counting the votes, it appeared that

Calvin Fletcher received	-	-	-	-	9 votes,
William T. T. Jones	"	-	-	-	4 "
N. B. Palmer,	"	-	-	-	18 "
Scattering	"	-	-	-	8 "

No person having received a majority of all the votes given, the Senate proceeded to a seventh ballot, and on counting the votes it appeared that

Nathan B. Palmar received	-	-	-	-	23 votes,
William T. Jones	"	-	-	-	6 "
Calvin Fletcher	"	-	-	-	8 "
Scattering	"	-	-	-	7 "

Nathan B. Palmer having received a majority of all the votes given, the result was announced by the President of the Senate.

Ordered, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives, by Mr. Butler of V., a member:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the following sealed message in relation to the election of a director of the State Bank of Indiana.

MR. PRESIDENT—

I am directed by the House to inform the Senate that at an election held in the House in pursuance of a resolution of both Houses, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of Calvin Fletcher, Esq. with closed doors, on the second separate choice, W. T. T. Jones having received a majority of all the votes given in the House, was declared duly elected on the part of the House.

No choice having been made by a concurrent vote of the two Houses, the Senate proceeded to a third trial,

And on counting the votes upon the first ballot, it appeared that

Nathan B. Palmer received	-	-	-	-	25 votes,
Wm. T. T. Jones	"	-	-	-	8 "
Calvin Fletcher	"	-	-	-	6 "

Nathan B. Palmer having received a majority of all the votes given, the President of the Senate announced the result.

Ordered, That the House of Representatives be informed thereof.

The following message was received from the House of Representatives, by Mr. Butler, of V., a member:

MR. PRESIDENT—

I am directed by the House of Representatives to deliver the following sealed message in relation to the election of a director of the State Bank of Indiana:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that at the third trial for the purpose of electing a director of the State Bank of Indiana, in place of Calvin Fletcher, Esq., whose term of service has expired, with closed doors, on the first ballot, William T. T. Jones having received a majority of all the votes given, was declared duly elected on the part of the House of Representatives, to serve as such for the term of four years from and after this day.

No choice having been made by a concurrent vote of the two Houses,

The following message was received from the House of Representatives by Mr. Graham, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House have adopted the following resolution:

Resolved, That the Senate be invited to attend, instant, in the hall of the House of Representatives, to conclude the balloting for Director on the part of the State in the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of Calvin Fletcher, Esq.

Messrs. Farrington and Dunn are appointed tellers on the part of the House.

Whereupon the Senate proceeded to the House of Representatives to vote by joint ballot to fill said vacancy—Messrs. Dobson and Beard of Montgomery acting as tellers on the part of the Senate,

And, on counting the vote on the first joint ballot, it appeared that

William T. T. Jones received	- - -	87 votes,
Nathan B. Palmer	" - -	36 "
Calvin Fletcher	" - -	13 "
Scattering	" - -	3 "

William T. T. Jones, having received a majority of all the votes given, was by the President of the Senate, in the presence of the two houses, declared duly elected a Director of the State Bank for and during the term of four years, from and after the expiration of the term of Mr. Fletcher,

When the Senate returned to their chamber.

The consideration of Bill No. 161, reported back to the Senate by the committee on finance, to which it had been committed, pending at the last adjournment, was resumed.

Mr. Armstrong moved to amend said bill by inserting after the words, "10 A. M.," in the 32 section, the words "and 4 P. M."

And in the 5th line of the same section insert after the word "day," the words "between the hours aforesaid,"

Which were agreed to.

Mr. Carnan moved to suspend the rule and read said bill a third time now.

The ayes and noes being demanded thereon, by Mr. Armstrong and Mr. Carr,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Clark, Cravens, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, McCord, Morgan, Mount, Parker, Riley, Williams and Wright—22.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Collins, Eggleston, Foster, Hackett, Hargrove, Lowe, Nave, Nickel, Stevenson, Tannehill, Thompson and Watts—16.

So the motion to suspend the rule prevailed.

On motion, the Senate adjourned.

THURSDAY MORNING, FEB. 4, 1841.

The Senate assembled.

The following message was received from the Governor by Mr. Moore, his Private Secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that on this day he approved and signed

An act to authorize the Recorder of Cass county to correct his records in a certain case therein mentioned,

Which originated in the Senate.

I am also requested to present to the Senate the following communication in reference to a bill which originated in the House of Representatives entitled an act for the relief of the Miami and other Indians:

EXECUTIVE DEPARTMENT,
February 3, 1841. }

To the Senate and House of Representatives:

I have this day approved and signed an act for the relief of the Miami and other Indians, which originated in the House of Representatives. The object of the act is evidently to protect the Indians from the oppression of their creditors, and omitting the 5th section, it is well calculated to secure this result.

This section is as follows:

"Sec. 5. No white man or negro shall hereafter have the benefit of any of the legal remedies for the collection of debts hereafter contracted by any Indian within the limits of the State of Indiana; and all contracts hereafter made with Indians shall be null and void."

Another section extends the provisions of the act "to all persons of Indian descent who are recognized as members of any tribe re-

siding in the State of Indiana, down to those having one-eighth Indian blood."

An important inquiry arises as to what will be the effect of the above recited 5th section, and how far it will operate in their favor as a measure of relief.

Many of the Indians in this State are engaged in trade and commerce, and have extensive dealings with our citizens in the course of their business, alike beneficial to both parties. A number of them are engaged with our people in civilized pursuits. This law, by rendering all their contracts void, would cut them off from these pursuits and force them back to the employments of savage life, without the prospect of ever being able to regain their former position during the continuance of this provision among our laws.

It has now become the settled policy of the General Government to remove the Indians to the country west of the Mississippi, and as those remaining in the State are likely to dispose of their lands before long, it is most probable that their removal will follow soon afterwards. Members of the different tribes have become possessed, in their individual right, of valuable tracts of lands under reservations contained in various treaties. This 5th section would render it impossible for them to dispose of these lands or their other property to citizens of our State, in case the General Government should determine upon their removal.

A great many of the Indians have, at certain seasons of the year, to rely on supplies of grain and provisions purchased of the whites on credit, to be paid for when they receive their annuities from the General Government. The foregoing section would certainly prevent them, to a great extent, from procuring such supplies, and must frequently place them in danger of starvation. It would, at least, drive away the honest dealer, and leave them to the tender mercies of that class of traders who rely not on the justice of their claims, but on their influence and management at treaties and Indian payments to obtain money from the Indian.

Having no constitutional objections to interpose, and being unwilling to endanger the remaining provisions, which I regard as sound and wholesome, I did not deem it proper to return the act to the House in which it originated, and, under ordinary circumstances, I should have let the matter pass without notice. But as this is a subject deeply affecting a large class of people who are not represented in our Legislature, I deem it but an act of justice to them to recall your attention to the 5th section, respectfully requesting you to review the ground of relief proposed in that section, so that we may not inadvertently do a great injury to the Indians when we were intending to confer a benefit on them.

All which is respectfully submitted,

SAM. BIGGER.

On motion of Mr. Parker, that portion of the above message in relation to the act for the relief of the Miami and other Indians, was

referred to a select committee.

Ordered, That said committee consist of Messrs. Parker, Harris and Stevenson.

On motion of Mr. Dobson, said committee were instructed to report a joint resolution suspending section 5 of the act referred to.

Mr. Test presented the petition of John Dill and others, praying the passage of a law prohibiting the sale of spirits, beer, &c. within one mile of any camp-meeting ground;

Which was referred to the judiciary committee.

Mr. Chamberlain presented the petition of sundry citizens of Elkhart county, praying for the passage of a law abolishing imprisonment for debt;

Which was referred to a select committee of Messrs. Chamberlain, Kinzer and Aker.

Mr. Harris, presented the petition of sundry citizens of Carroll county, for the formation of a new county;

Which was referred to the committee on the judiciary.

Bill No. 161, of the House, prescribing the duties of county auditor, reported back from the committee on finance on yesterday, was taken up, and read a third time;

And the question being put, shall said bill pass?

The ayes and noes being ordered thereon by Messrs. Chamberlain and Carnan,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Bell, Carnan, Clark, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Parker, Riley, Test, Thompson and Williams—24.

Those who voted in the negative were,

Messrs. Armstrong, Blair, Carr, Chamberlain, Collins, Dobson, Eggleston, Hackett, Hargrove, Harris, Kinzer, Nave, Nickel, Roberts, Stevenson, Tannehill, Watts and Wright—18.

So said bill passed.

Mr. Parker, from the committee on finance, made the following report:

MR. PRESIDENT—

The standing committee on finance, to whom was referred engrossed bill of the House, No. 162, entitled, an act for the election of county assessor, agreeably to order, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

61 S

The report was concurred in, and the rule having been suspended, said bill was read a third time and passed.

Mr. Parker, from the committee on finance, made the following report:

MR. PRESIDENT—

The standing committee on finance have, agreeably to order, had under consideration, engrossed bill of the House, No. 164, entitled, an act pointing out the mode of levying taxes, and they have instructed me to report it back with the following amendments, and recommend its passage, to-wit:

1st.—Sec. 1, 14th line, strike out "conclude," and insert "include."

2d.—At the end of the second section, add these words—"shall be exempt from taxation."

3d.—Sec. 2, 6th line, after the word "acres," insert these words: "and in case it be an incorporated manual labor school or college, not exceeding three hundred and twenty acres."

4th.—Sec. 2, 11th line, strike out "two hundred" and insert "three hundred and twenty."

5th.—Sec. 12, 23th line, strike out "fifty," and insert "sixty."

6th.—Sec. 20, 2d line, strike out the words "provisions of this act," and insert these—"laws now in force, adopting, however, in all cases, the provisions of this act, so far as practicable."

7th.—Sec. 27, 4th line, after the words "on them by law," insert these—"and shall sit so long as the business may require."

The amendments of the committee were concurred in, with the exception of the 5th.

Mr. Armstrong moved to amend the 18th section of said bill, in the 2d line, so as to include "insurance offices and saving institutions," which was agreed to.

Mr. Thompson moved to amend said bill, by inserting after the word "persons," in the 21st line of the 12th sec., the words "bearing interest," which did not prevail.

Mr. Nave moved to amend said bill, by striking out the word "canal," in 23d line of the first section, which was agreed to.

Mr. Ewing moved to amend, by adding after the word "unpaid," in the 10th line of the first section, the words "all the money paid thereon as purchase money shall be subject to taxation as money, and not otherwise," which did not prevail.

Mr. Baird of St. Joseph, moved to amend said bill as follows:—in the first section, 13th line, after the word "sold," add, "except those school sections which were sold prior to the passage of the act of 1834, and upon which the credit of ten years has not expired," which amendment prevailed.

Mr. Wright moved to amend as follows: Strike out in the 9th line, first section, the word "whether," and insert "where;" and in

the tenth line strike out "or still remain unpaid for," which did not prevail.

Mr. Chamberlain moved to amend said bill, by inserting after the word "sale," in the 2d section, 2d line, the words "with the improvements thereon."

The ayes and noes being ordered thereon by Messrs. Chamberlain and Harris,

Those who voted in the affirmative were,

Messrs. Angle, Baird of St. Jos., Beard of M., Berry, Carnan, Carr, Chamberlain, Collins, Dobson, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Nave, Roberts, Tannehill, Test, Watts, Williams, and Wright—25.

Those who voted in the negative were,

Messrs. Aker, Arion, Armstrong, Bell, Blair, Clark, Cravens, Eggleston, Elliott, Everts, Lowe, McCord, Moffatt, Morgan, Mount, Nickel, Parker, Riley, Stevenson, and Thompson—20.

So said amendment was adopted.

Mr. Wright moved to re-consider the vote taken on Mr. Nave's amendment, which did not prevail.

Mr. Ewing moved to amend, by adding, after the words "United States," in the first line of the 2d section, the following: "Or reserved in any manner whatever, in treaties between the United States and Indian tribes or nation."

Mr. Thompson moved the previous question.

The ayes and noes being ordered by Messrs. Wright and Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Mont., Bell, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Hackett, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Tannehill, Thompson, and Williams—29.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Blair, Carr, Chamberlain, Dobson, Ewing, Foster, Hargrove, Harris, Kinzer, Nickel, Roberts, Watts, and Wright—15.

So the previous question was seconded.

The question was then taken on putting the main question, and decided in the affirmative.

The main question being put, which was, shall the amendments be ordered to be engrossed, and the bill be read a third time tomorrow?

Mr. Thompson moved that the rule be suspended, the amendments considered as engrossed, and said bill be read a third time now, which motion prevailed.

And said bill was read a third time.

Mr. Wright moved to re-commit the bill, with instructions to amend as follows:

In tenth line, after the words "canal lands sold by the State of Indiana," add the words "deducting the amount of purchase money unpaid," which did not prevail.

Mr. Chamberlain moved to re-commit the bill, with instructions so to amend the 11th section, as to make it consistent with the universal principles of justice, by requiring that any person failing to give a list of his property, when called upon by the assessor, shall not be required to prove himself innocent in the premises, but shall be deemed to be innocent, as in other cases, till proved guilty.

Which motion did not prevail;

The question was then put, "shall said bill pass?"

The ayes and noes being ordered thereon by Messrs. Bell and Moffatt,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Carnan, Clark, Cravens, Elliott, Everts, Foster, Hargrove, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Tannehill, Test, Thompson, and Williams—28.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Collins, Dobson, Eggleston, Ewing, Hackett, Harris, Kinzer, Nickel, Roberts, Stevenson, Watts, and Wright—16.

So said bill passed.

On motion, the Senate adjourned.

2 o'clock, P. M.

The senate met.

Mr. Clark, leave being granted, presented the petition of Hugh and Robert Stewart, praying for relief.

Mr. Clark moved to refer said petition to the committee on canals and internal improvements.

On motion of Mr. Angle, said petition was laid on the table.

On motion of Mr. Stevenson, the orders of the day were suspended for the purpose of receiving reports from the committee on finance;

Mr. Parker, from the committee on finance, made the following report:

Mr. PRESIDENT—

The standing committee on finance have had under consideration,

agreeably to order, bill No. 163 of the House, entitled, an act prescribing the duties of County Treasurer, and have instructed me to report the same back, with the following amendments, and recommend its passage, to-wit:

1st. Sec. 1, 2d line, strike out "biennially," and insert "triennially." And in the fourth line, strike out "two" and insert "three"—and add to the end of the section these words: "The elections for county treasurer, auditor, and assessor, shall in all things be governed by the laws which regulate general elections; and the clerk of the circuit court shall make out and give the persons elected, certificates of their election as in other cases."

2d. Sec. 2, 3d line, strike out these words: "and in such sum as said county board shall direct"—and insert these: "and in a sum not less than double the probable amount of the state and county revenue required to be raised in the proper county during either of the years said treasurer may be elected to serve as such."

3d. Sec. 5, 10th line, strike out "first," and insert "second."

4th. Sec. 13, 10th and 11th lines, strike out the words: "during the months of October and November," and insert these: "from the fifteenth of October to the twenty-fifth of December inclusive."

5th. Sec. 18, 2d line, strike out "first" and insert "twenty-fifth."

6th. Sec. 19, 1st line, strike out "first" and insert "twenty-fifth."

7th. Sec. 21, 1st line, strike out "first" and insert "second."

8th. Sec. 23, 1st line, strike out "fifteenth day" and insert "fourth Monday."

9th. Sec. 25, 5th line, strike out all after the word "county," and insert the following: "and there shall be no continuance of any suit instituted against any treasurer and his securities, under the provisions of this act when process is returned executed upon any of the defendants, unless by the assent of the attorney prosecuting the same on behalf of the State, and judgment shall be rendered against the defendants upon whom process is executed for the amount due from such treasurer with legal interest, and a penalty of ten per centum thereon, and six per cent. thereon for the use of the prosecutor as his fee for collection: upon which judgment there shall be no stay of execution, and the property of such delinquent treasurer and his securities may be sold without appraisal to satisfy such judgment: and the attorney may elect to proceed by scire facias or summons, against the other defendants, and make them parties to said judgment, at any future term of the court in which such suit was instituted: and upon the trial of any such suit, the stated account of the treasurer against whom suit is brought, certified by the Auditor of State as truly transcribed from the account current against such Treasurer, on the books of said Auditor's office, authenticated by the State seal, shall be conclusive evidence of the demand of the State against such Treasurer and his securities; and it shall not be lawful for such Treasurer or his securities to set off or allege in payment of such demand, any payment or claim of credit, unless the same has first been presented to the Auditor of State, and been allowed or rejected by him, unless the

same could not by using due diligence be presented to said Auditor, for his determination thereon to be had before the trial of such suit. And in all suits brought against the county treasurer, and his securities, the county Auditor shall be a competent witness; and all books and papers belonging to his office, shall, when proved by the oath of the Auditor, be admissible testimony."

10th. Sec. 31, 2d and 3d line, strike out these words: "five per centum on all money received and paid out"—and insert these: "two and one half per centum on all money received, and a like per centum on all paid out"—and further in the 3d line, after "excepting," insert "the receipt of"—and further in the 4th line, after "duplicate," insert "and excepting that which is paid out to the State as her revenue"—and further in the 4th line, after "fee," insert "for receiving, or paying, or both."

11th. Sec. 32, 2d line, strike out "six," and insert "seven"—and in 3d line, strike out "five" and insert "six"—and in 4th line, strike out "four" and insert "five"—and in 5th line, strike out "three" and insert "four"—and in the same line, strike out "two" and insert "three."

12th. Sec. 19, 4th line, after the word "accrue," insert this: "and the Treasurer may in like manner, distrain at any time after the taxes become due, in case he may have just ground to apprehend that any person owing any tax may be about to change residence by leaving the county without paying the tax."

The report was concurred in, and the rule having been suspended, said bill was read a third time.

And the question being put, shall said bill pass?

The ayes and noes being ordered thereon by Messrs. Armstrong and Kinzer,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Cravens, Elliott, Everts, Hanna, Hargrove, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, and Williams—24.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Collins, Dobson, Eggleston, Ewing, Hackett, Harris, Kinzer, Nickel, Roberts, Stevenson, Tannehill, Watts, and Wright—16.

So said bill passed.

ORDERS OF THE DAY.

No. 148, a joint resolution to suspend the act passed at the present session of the General Assembly, to provide for a Keeper of the State House and Library, was read a third time.

Mr. Nave moved to indefinitely postpone said joint resolution.

The ayes and noes being ordered thereon by Messrs. Chamberlain and Lowe,

Those who voted in the affirmative were,

Messrs. Aker, Baird of St. J., Clark, Dobson, Ewing, McCord, Moffatt, Nave, and Parker—9.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Carnan, Carr, Chamberlain, Collins, Cravens, Eggleston, Elliott, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, Morgan, Mount, Nickel, Riley, Roberts, Stevenson, Tannehill, Watts, Williams, and Wright—34.

So said motion did not prevail,

And said joint resolution passed.

Bill No. 200 of the House, to amend an act for the the formation of the county of Blackford, approved February 15, 1838, was read a third time.

Mr. Ewing moved to re-commit said bill to a select committee, with instructions to amend said bill as follows:

"There shall be added to the county of Blackford the west half of the two north-western townships of the county of Jay, next to and adjoining the county of Blackford on the east. The east half of the two north-western townships off the county of Grant, next to and adjoining the county Blackford."

A division of the question being called for;

The question was put on recommitting,

And decided in the negative.

The question was then put, shall said bill pass?

The ayes and noes being ordered thereon by Messrs. Eggleston and Ewing,

Those who voted in the affirmative were,

Messrs. Aker, Beard of M., Bell, Berry, Carr, Chamberlain, Elliott, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, Parker, Roberts, and Tannehill—19.

Those who voted in the negative were,

Messrs. Angle, Baird of St. Joseph, Blair, Clark, Collins, Cravens, Dobson, Eggleston, Ewing, Herriott, McCord, Moffatt, Morgan, Mount, Nickel, Riley, Stevenson, Watts, Williams and Wright—20.

So said bill was lost.

Bill No. 128 of the Senate, to provide for a better regulation of Indiana University, was read a second time, and referred to the committee on education.

Bill No. 127 of the House, to authorize the sale of the Asylum for

the poor in the county of Harrison, was read a second and third times and passed.

Bill No. 129 of the Senate, to amend an act entitled, an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to receive by virtue of an act of Congress, approved June 23, 1836, approved February 17, 1838, was read the second time, and

On motion of Mr. Harris, indefinitely postponed.

Bill No. 130 of the Senate, to repeal a part of the second section of an act relating to public roads and highways, approved, February 24, 1840, was read a second and third times and passed.

Bill No. 131 of the House, for the relief of Edward H. Jacot, was read the second time, and referred to the committee on finance.

Bill No. 131 of the Senate, providing for a state road in the counties of Allen and Huntington, was read a second time and referred to a select committee of Messrs. Wright, Ewing, and Harris.

Bill No. 136 of the Senate, repealing all laws now in force authorizing the sale of State Bonds for Internal Improvements, was read a second time.

Mr. Bell moved to lay said bill on the table.

The ayes and noes being ordered thereon, by Messrs. Armstrong and Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Beard of M., Bell, Berry, Carnan, Elliott, Ewing, Foster, Herriott, Hoover, Moffatt, Mount, Parker, Stevenson, and Tannehill—16.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Carr, Chamberlain, Clark, Collins, Eggleston, Everts, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Nave, Nickel, Riley, Roberts, Watts, Williams, Thompson and Wright—23.

So said motion did not prevail.

Mr. Dobson moved to suspend the rule, and read said bill a third time now.

The ayes and noes being ordered thereon, by Messrs. Collins and Moffatt,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of Montgomery, Blair, Carr, Collins, Cravens, Dobson, Eggleston, Ewing, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Nave, Nickel, Riley, Roberts, Thompson, Watts, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Bell, Berry, Carnan, Clark, Elliott, Everts,

Foster, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Parker, Stevenson and Tannehill—18.

So the rule was not suspended, and said bill was ordered to be engrossed and read a third time to-morrow.

Bill, No. 137, of the Senate, more effectually to secure the purity of elections,

Was read a second time, and referred to the same select committee to which a bill upon the same subject had been previously referred.

Bill, No. 139, of the House, authorizing an additional Justice of the Peace and Constable in Jackson township, in the county of Putnam,

Was read a second and third times and passed.

Bill, No. 142, of the Senate, to amend an act entitled "an act to dissolve the present Board of Internal Improvement, the Board of Fund Commissioners, and the Engineer Department," approved Feb. 24, 1840,

Was read a second time, and,

On motion of Mr. Baird of St. Joseph, laid on the table.

No. 146, of the Senate, a Joint Resolution in relation to the three hundred thousand dollars of State Bonds wrongfully withheld from the State.

Mr. Baird of St. Joseph moved to refer said Joint Resolution to the committee on finance.

The ayes and noes being ordered thereon, by Messrs. Chamberlain and Nickel,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. J., Beard of M., Bell, Berry, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Hanna, Hargrove, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Tannehill, Watts, Williams and Wright—34.

Those who voted in the negative were,

Messrs. Chamberlain, Hackett, Harris, Kinzer, Lowe, Nickel and Stevenson—7.

So the Joint Resolution was so referred.

Bill, No. 145, of the Senate, for the relief of John S. Forgey, late collector of Tippecanoe county for the year 1839,

Was read a second and third times and passed.

Bill, No. 147, of the Senate, in relation to work done and to be done on the Wabash and Erie canal,

Was read a second time.

Mr. Wright moved to amend said bill by striking out the 4th section.

Mr. Parker moved to commit said bill to the committee on canals and internal improvements, with instructions to call before them the

Board of Internal Improvement, and ascertain the necessity and expediency of the passage of the bill, if there be any;

Which motion prevailed.

Bill, No. 152, of the House, for the relief of Cinderilla Hooker,

Was read a second and third times and passed.

Bill, No. 153, of the House, for the relief of Elvina Garner,

Was read a second and third times and passed.

Bill, No. 158, of the House, to amend an act to incorporate the Columbus and Driftwood Bridge Company, approved Feb. 8, 1839,

Was read a second and third times and passed.

Bill No. 172, of the House, to amend an act entitled "an act to create the office of private secretary to the Governor," approved Feb. 16, 1838,

Was read a second and third times, and referred to a select committee of Messrs. Parker, Test and Elliott.

Bill, No. 177, of the House, for the relief of owners of Indian reservations,

Was read a second time, and referred to the committee on finance.

Bill, No. 194, of the House, to protect lands mortgaged to the State from forfeiture for the non-payment of corporation taxes,

Was read a second time, and referred to the committee on corporations.

Bill No. 198, of the House, to repeal an act vacating a part of the town of Milford, in the county of Kosciusko, approved Jan. 22, 1839.

Was read a second and third times and passed.

No. 180, of the House, a joint resolution relative to the destruction of the statutes of Dubois County,

Was read a second and third times and passed.

Bill No. 187, of the House, to authorize Obediah Jones to build a mill dam across Mississinewa river, in the county of Grant.

Was read a second and third times and passed.

Bill No. 190, of the House, to amend the 17th section of an act to provide for a General system of Internal Improvement, "approved, Jan. 27, 1836,

Was read a second time, and referred to the committee on canals and Internal Improvements.

Bill No. 209, of the House, to change the mode of selecting Petit Jurors, in the counties of Brown, Martin, and Owen,

Was read a second and third times and passed.

Bill No. 204, of the House, for the relief of Azor Charles,

Was read a second time and referred to the committee on the judiciary.

No. 228, a Joint Resolution of the House, relative to the extension of the pre-emption rights,

Was read a second time, and referred to the committee on federal relations.

Bill No. 233, of the House, to repeal "an act to repeal a certain act in Dearborn county, therein named,

Was read a second time, and referred to a select committee of Messrs. Watts, Eggleston, and Cravens.

Bill No. 234, of the House, authorizing the survey of a canal, from Peru, to the head of Salt river, and the Erie and Michigan canal

Was read a second and third times and passed.

Bill No. 262, of the House, to relocate the Rockport and Bloomington state road in Martin county,

Was read a second time.

On motion of Mr. Carnan said bill was amended, by adding:

Sec. That the word "trip" in the last proviso to the eighth section of an act, entitled, "an act relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes," approved Feb. 22, 1840, relative to the toll to be paid by mail stage coaches traveling over said road, shall be construed, and taken to mean going and returning.

And said bill was read a third time and passed.

Bill No. 289, of the House, attaching certain Territory therein named to Jasper county,

Was read a second and third times and passed.

Bill No. 298, of the House, to amend "an act entitled an act concerning enclosures and trespassing animals, approved Feb. 17, 1838."

Was read a second time and referred to the committee on Agriculture.

Mr. Clark moved to suspend the order of business, to hear a report from a select committee,

Which was not agreed to.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the report of the joint committee of free conference, to which was committed, the subject matter of disagreement between the two Houses, in relation to the first amendment of the House, to bill, No. 25, of the Senate, entitled, "an act subjecting real and personal estate to execution," "approved Feb. 4, 1831."

Mr. Williams, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills, report that they have presented to his Excellency, the Governor, for his approval and signature, bills and joint resolutions of the Senate, as follows, to-wit:

No. 139, an act for the relief of certificate holders, to certain school lands in Monroe county.

No. 132, an act to incorporate the Putnam Band of Music.

No. 133, an act to amend an act entitled, "an act to allow further time to the Lawrenceburgh and Indianapolis Rail Road company, to settle up and close their affairs," approved Feb. 18, 1840.

No. 124, an act concerning a state road in Tippecanoe county.

No. 113, an act to amend an act attaching Decatur county, to the sixth Judicial circuit, and for other purposes, approved Feb. 13, 1840.

No. 119, an engrossed joint resolution, on the subject of the State Bank of Indiana.

No. 108, an act to relocate a part of a state road therein named.

No. 91, an act to incorporate the Orleans Band.

No. 88, an engrossed joint resolution, of the General Assembly of the State of Indiana, on the subject of Mr. Benton's bill, to establish a permanent prospective pre-emption system in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon.

No. 86, an act to authorize the Seminary Trustees of Randolph county, to borrow money, and for other purposes.

No. 85, an act to change a state road therein named.

No. 84, an act for the relief of Henry Good, of the county of Boone.

No. 82, an act to authorize Enos Blair, former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county for the years 1836, 7 and 1838, for which he was collector;

No. 58, an act to authorize John Brown to invest certain money in bank stock for the use of heirs;

They also report that they have presented to his Excellency the Governor for his approval and signature bills and joint resolutions of the House, as follows, to-wit:

No. 155, an act for the re-location of the seat of justice in Blackford county;

No. 179, an act to amend an act entitled an act to regulate the mode of doing county business in the several counties of this State;

No. 119, an act regulating the salaries of Auditor, Secretary, and Treasurer of State;

No. 130, an act to extend the benefit of an act entitled an act to incorporate the Marion Fire Engine Company, approved January 20th, 1838;

No. 149, an act to enable the Treasury to meet the current demands for the civil list for 1841, growing out of the deficit of 1840;

No. 213, an act to establish permanent corners to the streets, alleys, and lots in the town of Corydon;

No. 82, an act defining the duties of petitioners for re-locating seats of justice, and for other purposes;

No. 103, an act to provide for the revision of the laws;

No. 220, an act to change the name of the town of Milford in Warren county;

No. 224, an act to amend an act entitled an act to provide for the election of an additional justice of the peace, and constable for Morgan township, in the county of Harrison, approved Feb. 15, 1840;

No. 218, an act repealing the eighth section of an act incorporating the Leesburgh School Society, approved Feb. 24, 1840;

No. 230, an act legalizing the election of a probate judge in Kosciusko county;

No. 226, an act to amend an act entitled an act for the relief of the poor, approved February 17th, 1838, so far as the same relates to Marion county;

No. 243, an act repealing so much of an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, so far as the same relates to Madison county;

No. 236, an act to amend the tenth section of an act entitled an act relating to state roads, approved Feb. 24, 1840;

No. 252, an act to further amend an act entitled an act dividing the State into judicial circuits and fixing the time of holding courts therein, and for other purposes, approved Feb. 10, 1831;

No. 269, An act relative to the Shelbyville Independent Rifle Company;

No. 257, an act for the relief of George D. Moore of Randolph county;

No. 254, an act providing for an additional term of the Delaware circuit court;

No. 293, a joint resolution relative to the judicial circuits;

No. 278, an act for the benefit of Adam E. Rhodes;

No. 270, an act regulating the time of holding courts in the county of Madison in the eleventh judicial circuit;

No. 227, a joint resolution for the benefit of St. Joseph county;

No. 214, joint resolutions on the subject of the National Road;

No. 206, an act to amend an act entitled an act to incorporate the Liverpool Bridge Company, approved February 6, 1837;

No. 212, an act relative to the vacating of Spring street in the town of Covington in Fountain county;

No. 182, an act to confirm to Enoch D. John and Cornelius G. W. Comegys certain water power therein named.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills and joint resolutions of the Senate,

No. 58, to authorize John Brown to invest certain moneys in bank stock, for the use of heirs;

No. 82, to authorize Enos Blair, former collector of Monroe county yet to collect any taxes remaining due and unpaid in said county for the years 1836—'37—'38, for which he was collector;

No. 84, for the relief Henry Goode of the county of Boone;

No. 85, to change a state road therein named;

No. 86, to authorize the Seminary trustees of Randolph county to borrow money, and for other purposes;

No. 88, a joint resolution on the subject of Mr. Benton's bill to es-

establish a permanent prospective pre-emption system in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log-cabin thereon;

- No. 91, to incorporate the Orleans Band;
- No. 108, to re-locate part of the state road therein named;
- No. 113, to amend an act attaching Decatur county to the sixth judicial circuit, and for other purposes, approved February 13, 1840;
- No. 119, a joint resolution on the subject of the State Bank of Indiana;

- No. 124, concerning a state road in Tippecanoe county;
- No. 132 to incorporate the Putnam Band of Music.
- No. 133, to amend an act entitled an act to allow further time to the Lawrenceburgh and Indianapolis Rail Road Company to settle up and close their affairs, approved February 18, 1840;

No. 139, for the relief of certificate holders to certain school lands in Monroe county;

Also, the following enrolled bills of the House:

No. 82, defining the duties of petitioners for re-locating seats of justice, and for other purposes;

No. 103, to provide for the revision of the laws;

No. 110, regulating the salaries of Auditor, Secretary, and Treasurer of State;

No. 130, to extend the benefit of an act entitled an act to incorporate the Marion Fire Engine Company, approved January 20, 1838;

No. 149, to enable the treasury to meet the current demands for the civil list for 1841, growing out of the deficit of 1840;

No. 155, for the re-location of the seat of justice in Blackford county;

No. 179, to amend an act entitled an act to regulate the mode of doing county business in the several counties of this State;

No. 182, to confirm to Enoch D. John and Cornelius G. W. Comegys, certain water power therein named;

No. 206, to amend an act entitled an act to incorporate the Liverpool Bridge Company, approved Feb. 6, 1837;

No. 212, relative to the vacating of Spring street in the town of Covington in Fountain county;

No. 213, to establish permanent corners to the streets, alleys, and lots in the town of Corydon;

No. 218, repealing the 8th section of an act incorporating the Leesburgh School Society, approved Feb. 24th, 1840;

No. 220, to change the name of the town of Milford in Warren county;

No. 224, to amend an act entitled an act to provide for the election of an additional justice of the peace and constable for Morgan township, in the county of Harrison, approved Feb. 5, 1840;

No. 226, to amend an act entitled an act for the relief of the poor, approved February 17, 1838, so far as relates to Marion county;

No. 230, legalizing the election of a probate judge in Kosciusko county;

No. 236, to amend the 10th section of an act entitled an act relating to state roads, approved February 24, 1840;

No. 243, repealing so much of an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838, as relates to Madison county;

No. 252, to further amend an act entitled an act dividing the State into judicial circuits, and fixing the time of holding courts therein, and for other purposes, approved Feb. 10, 1831;

No. 254, providing for an additional term of the Delaware circuit court;

No. 257, for the relief of George D. Moore of Randolph county;

No. 269, relative to the Shelbyville Independent Rifle Company;

No. 270, regulating the time of holding courts in the county of Madison, in the eleventh judicial circuit;

No. 278, for the benefit of Adam E. Rhodes;

Also, the following joint resolutions:

No. 214, on the subject of the National Road;

No. 227, for the benefit of St. Joseph county;

No. 293, relative to the judicial circuits.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

On motion, the Senate adjourned.

FRIDAY MORNING, FEBRUARY 5, 1841.

Senate assembled.

On motion of Mr. Dobson, the vote taken on the passage of bill No. 209, of the House, was re-considered, and

On motion of Mr. Dobson, the bill was amended by striking out the county of Owen;

And then said bill was passed.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The House has passed the following engrossed bills of the Senate, without amendment:

No. 87, an act for the relief of Orson Willard;

No. 92, an act to amend an act amendatory to an act entitled an act concerning the Seminary townships of land in Gibson and Monroe counties, approved January 25, 1837, approved February 24, 1840;

No 101, an act to amend the act to incorporate the city of New-Albany, and to repeal all laws now in force incorporating the town of New-Albany, approved Feb. 14, 1839;

No. 125, an act to amend an act incorporating Congressional Townships, and providing for public schools therein, approved Feb. 17, 1838;

No. 141, an act to incorporate the Liberty Band;

Also, the following bills of the House:

No. 219, an act to provide for a state road therein named;

No. 241, an act to authorize the citizens of Clay county to drain the round pond;

No. 275, an act for the relief of Andrew Wilson;

No. 281, an act to incorporate the Indianapolis Band of Musicians;

No. 287, an act to incorporate the town of Cambridge City, in Wayne county;

No. 288, an act to incorporate the Jonesborough Bridge Company;

No. 305, an act to amend an act to provide for the distribution of the laws and journals, and for other purposes," approved February 10, 1831;

No. 306, an act to incorporate the Livonia Band of Musicians;

No. 313, an act to amend an act entitled an act to provide for draining lost creek in Vigo county;

No. 317, an act to amend an act entitled an act relative to crime and punishment, approved Feb. 10, 1831,

In which I am directed to ask the concurrence of the Senate.

The amendment to bill No. 101, named in the above message, was concurred in.

Bills No. 219 and 241 of the message, were read a first, second, and third times and passed.

Bill No. 275, of the message, was twice read and referred to the committee on the judiciary;

Bills No. 281, 288, 287 and 306, of the message, were severally read a first and second times, and referred to the committee on corporations;

No. 305, of the message, was read twice and referred to the committee on the judiciary;

No. 313, of the message, was twice read and referred to a select committee of Messrs. Moffatt, Clark, and Blair.

No. 317, of the message, was read three several times and passed.

The following message was received from the House of Representatives, by Mr. Mason, a member:

Mr. President—

The House of Representatives have directed me to inform the Senate that they have passed a joint resolution No. 322, on the subject of the distribution of the proceeds of the public lands, in which they ask the concurrence of the Senate.

The joint resolution named in the above message was twice read.

Mr. Chamberlain moved to commit said joint resolution to the committee on federal relations, with instructions to point out the manner in which it is proposed to supply the deficiency of revenue in the national treasury, which would result from the division of the proceeds of the public lands therefrom, under the provisions of the joint resolution.

A division of the question being called,

The question was put on committing,

The ayes and noes being ordered by Messrs. Chamberlain and Harris,

Those who voted in the affirmative were,

Messrs. Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Nickel, Roberts, and Tannehill—12.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Test, Thompson, Watts and Williams—28.

So the motion to commit did not prevail.

And the rule having been suspended, said joint resolution was read a third time.

And the question being put, shall the joint resolution pass?

The ayes and noes being ordered thereon by Messrs. Roberts and Chamberlain,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Baird of St. Joseph, Beard of Montgomery, Bell, Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Test, Thompson, Watts, Williams and Wright—31.

Those who voted in the negative were,

Messrs. Berry, Carr, Chamberlain, Foster, Hackett, Hargrove, Harris, Kinzer, Nickel, Roberts, and Tannehill—11.

So said joint resolution passed.

Mr. Harris, from the committee on the judiciary. made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a bill of the Senate, No. 98, entitled an act relative to the surplus revenue of the United States allotted to Carroll county, have had the same under consideration, and directed me to report it back to the Senate without amendment, and recommend its passage.

The report was concurred in, and the rule having been suspended, said bill was read a third time and passed.

Mr. Mount, from the committee on the judiciary, made the following report:

MR. PRESIDENT—

The judiciary committee, to whom was referred a bill of the House, No. 240, for the relief of John Elden, after having had the same under consideration, have directed me to report the same back to the Senate without amendment thereto, and recommend its passage.

The report was concurred in, and the bill read a third time and passed.

Mr. Wright made the following report:

MR. PRESIDENT—

The standing committee upon the judiciary, to whom was referred the petition of Robert Edwards and others, praying a change in the law regulating county seminaries, so that the seminary trustees may be authorized to sue for said funds before a justice of the peace when the same does not exceed one hundred dollars, have had the same under consideration, and directed me to report the following bill and recommend its passage.

Bill No. 149, to amend an act entitled an act relating to county seminaries, was twice read, the rule having been suspended, and referred to a select committee of Messrs. Clark, Berry and Parker.

Mr. Angle made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a bill, No. 97, concerning the late mayor of the town of Lafayette, have had that subject under consideration, and have directed me to report the same back to the Senate and recommend its passage with the following amendment, to-wit: Strike out the preamble, in which they ask the concurrence of the Senate.

The report was concurred in, the rule suspended, and said bill read a third time and passed.

Mr. Parker made the following report:

MR. PRESIDENT:

The standing committee on the judiciary, to whom was referred bill No. 192, of the House, entitled an act to amend an act entitled an

authorizing domestic attachments and regulating proceedings therein, agreeably to order, have had the same under consideration and have directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Collins made the following report:

MR. PRESIDENT—

The committee on the judiciary to which was referred bill of the House No. 308, entitled a bill to authorize William Patterson to sell certain lands and real estate, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Nave made the following report:

MR. PRESIDENT:

The judiciary committee to which was referred a bill of the Senate No. 50, entitled a bill amendatory of an act organizing the Supreme Court, and defining its powers and duties, approved, February 17, 1838, have, according to order, had the same under consideration, and because the subject matter of said bill has already received the action and sanction of the Senate, therefore said committee have directed me to report the same back to the Senate and recommend its indefinite postponement, in which the concurrence of the Senate is respectfully requested.

The report was concurred in, and said bill indefinitely postponed.

Mr. Harris made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred various petitions of the citizens of Carroll county, praying for the organization of a new county, have had the same under their consideration, and have instructed me to report the same back to the Senate for the purpose of having the petitions referred to a select committee; they therefore ask to be discharged from the further consideration of the petitions.

The report was concurred in, and the petitions referred to, committed to a select committee of Messrs. Harris, Hoover, and Beard of Montgomery.

Mr. Collins made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred bill of the House of Representatives No. 255, entitled a bill to amend an act entitled an

act providing for the recording of mortgages for personal property, approved February 17, 1838, have, according to order, had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in, and said bill indefinitely postponed. Mr. Parker made the following report:

Mr. PRESIDENT—

The standing committee on the judiciary to whom was referred bill No. 94 of the Senate, entitled an act for the relief of purchasers of the Wabash and Erie canal lands, agreeably to order, have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

The report was concurred in,

Mr. Lowe moved to amend by adding after the word per centum, the words "on the principal;"

Which was agreed to, and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Collins made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate directing them to inquire into the expediency of so amending the law, that all deeds and conveyances made and executed by any person without this State and brought hither to be recorded, and which shall be acknowledged before any notary public or mayor of any city, shall be as valid and effectual in law, as if the same had been acknowledged before a justice of the peace in the county where the land lies, have in obedience to order, had the same under consideration, and have instructed me to report the following bill:

No. 150, to admit as evidence the official acts of foreign Mayors, Recorders, and Aldermen of cities and Notaries Public, which was read three several times, the rule having been suspended, and passed.

Mr. Harris, from the committee on the judiciary, made the following report:

Mr. PRESIDENT—

The committee on the judiciary to whom was referred a bill of the Senate,

No. 134, an act to amend an act entitled, an act relative to crime and punishment, approved February 10, 1831, have had the same under their consideration, and have instructed me to report it back to the Senate without amendment, and recommend its passage.

Mr. Elliott moved to indefinitely postpone said bill.

And before the question was taken thereon,

On motion, the Senate adjourned.

2 o'clock. P. M.

The Senate assembled.

ORDERS OF THE DAY.

No. 136 of the Senate, repealing all laws now in force authorizing the sale of State Bonds for internal improvement purposes, was read a third time.

Mr. Elliott moved to lay said bill on the table;

The ayes and noes being ordered thereon by Messrs. Armstrong and Dobson,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Montgomery, Bell, Carnan, Elliott, Foster, Hanna, Herriott, Hoover, Moffatt, Mount, Parker, Stafford, Stevenson, Tannehill, and Williams—18.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Blair, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Nave, Nickel, Riley, Roberts, Thompson, Watts, and Wright—26.

So the motion to lie on the table was lost.

And the question being put, shall said bill pass?

The ayes and noes being ordered thereon by Messrs. Aker and Elliott,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Blair, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hargrove, Hackett, Harris, Kinzer, Lowe, McCord, Nave, Nickel, Riley, Roberts, Thompson, Watts, Williams, and Wright—27.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Beard of Mont., Bell, Carnan, Elliott, Foster, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Parker, Stafford, Stevenson, and Tannehill—18.

So said bill passed.

The consideration of the question pending at the last adjournment, being on the motion of Mr. Elliott to indefinitely postpone bill No. 134, was resumed.

Mr. Elliott withdrew his motion, and

On motion of Mr. Eggleston, said bill was referred to a select committee of Messrs. Eggleston, Baird of St. Joseph, and Test.

Mr. Wright, from the judiciary committee, made the following report:

Mr. President—

The judiciary committee to whom was referred bill No. 256, for the relief of the heirs of John Sawyer, deceased, have had the same under consideration, and directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in, the rule suspended, and the bill read a third time and passed.

Mr. Harris from the committee on the judiciary made the following report:

Mr. President:

The committee on the judiciary to whom was referred the petition of Thomas Hodge, David Crockett and others, of Carroll county, praying that a part of Carroll county should be attached to the county of Cass, have had the same under their consideration, and instructed me to report that it would be inexpedient to grant the prayer of the petitioners. The committee, therefore, ask to be discharged from the further consideration of the petition.

The report was concurred in, and the committee accordingly discharged.

Mr. Nave, from the committee on the judiciary, made the following report:

Mr. President—

The judiciary committee to which was referred an engrossed bill of the House, No. 99, entitled a bill to prevent speculation by Collectors in Treasury Notes and other moneys, have, according to order, had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

The report was concurred in, the rule suspended, and the bill read a third time and passed.

Mr. Elliott, from the committee on the judiciary, made the following report:

Mr. President:

The judiciary committee to which was referred a bill of the Senate, entitled No. 89, a bill to prohibit the taking of special bail, except in certain cases, have had the same under consideration, and instructed me to report it back to the Senate, and recommend its indefinite postponement, in which the concurrence of the Senate is requested.

The question being put on the indefinite postponement of said bill;

The ayes and noes being ordered thereon, by Mr. Everts and Mr. Hanna,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Beard of M., Carnan, Chamberlain, Collins, Cravens, Dobson, Eggleston, Elliott, Ewing, Hackett, Herriott, Kinzer, McCord, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Tannehill, Thompson, Watts, Williams and Wright—27.

Those who voted in the negative were,

Messrs. Baird of St. J., Bell, Blair, Carr, Clark, Everts, Foster, Hanna, Hargrove, Harris, Hoover, Lowe and Nickel—13.

So the bill was indefinitely postponed.

Mr. Elliott made the following report:

Mr. President:

The judiciary committee to whom was referred a bill of the Senate, entitled, No. 126, a bill to amend an act entitled, an act allowing and regulating the writ of *ad quod damnum*, approved December 20th, 1823, have had the same under consideration, and made one amendment thereto, by inserting at the end of the last line but one, these words: "his, her, or their heirs or assigns," and recommend its passage as amended.

The report was concurred in, the rule suspended, and the bill read a third time and passed.

Mr. Thompson, from the committee on education, made the following report:

Mr. President—

The committee on education to which was referred a bill of the House of Representatives, No. 167, entitled a bill to revise and amend an act incorporating congressional townships, and providing for public schools therein, approved February 17th, 1838, have duly examined its provisions and instructed me to make two amendments, to wit:

In the 2d chapter, 16th section, insert "annually" in the last line.

Second amendment.—9th chapter, 1st section, last line, before the word appointed insert "elected or."

To which amendments the concurrence of the Senate is respectfully requested.

The report was concurred in, and,

On motion of Mr. Morgan,

The bill was laid on the table.

Mr. Thompson made the following report:

Mr. President—

The committee on education to which was referred a bill of the House of Representatives, No. 189, entitled, an act in relation to school money deposited with the Superintendent of the Loan Office, after examination of its provisions, have instructed me to report

without amendment, and recommend its passage; to which the concurrence of the Senate is requested.

The report was concurred in, the rule suspended, and the bill read a third time and passed.

Mr. Thompson made the following report:

MR. PRESIDENT—

The committee on education to which was referred a bill of the House of Representatives, No. 168, entitled a bill to amend an act, approved February 6th, 1837, entitled, an act to provide for the distribution of so much of the surplus revenue of the U. States, as the State of Indiana may be entitled to and receive, by virtue of an act of Congress, approved June 3d, 1835, have, after a hasty reading, instructed me to report it without amendment, and recommend its indefinite postponement; in which report I trust the Senate will not concur.

On motion of Mr. Nave, the report and bill were laid on the table.

Mr. Hargrove, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to whom was referred a bill of the Senate, No. 99, relative to the duty of the agents of the surplus revenue, and for other purposes, have, according to order, had the same under consideration, and directed me to report the same back to the Senate without amendment, and recommend its passage.

On motion of Mr. Eggleston,

The bill referred to in the report, with all other bills on the same subject now before the Senate, were recommitted to a select committee.

Ordered, That Messrs. Eggleston, Nave, Parker, Thompson and Carnan, constitute said committee.

Mr. Armstrong moved to reconsider the vote taken on referring said bill to a select committee:

Which did not prevail.

Mr. Armstrong moved that the committee be instructed to report a bill appointing loaning agents in the several counties, and requiring the loans to be made on mortgage of real estate.

The ayes and noes being ordered thereon, by Messrs. Dobson and Armstrong,

Those who voted in the affirmative were,

Messrs. Aker, Armstrong, Baird of St. J., Bell, Berry, Carr, Chamberlain, Dobson, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, McCord, Nave, Nickel, Roberts, Stafford, Tannehill, Thompson and Watts—24.

Those who voted in the negative were,

Messrs. Angle, Arion, Beard of Montgomery, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Ewing, Hoover, Moffatt, Morgan, Mount, Parker, Riley, Stevenson, Williams, and Wright—20.

So the instructions prevailed.

Mr. Eggleston moved that the committee be discharged,

Which did not prevail.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred a bill of the House of Representatives, No. 116, entitled "a bill to extend to the settlers on the Wabash and Erie canal lands, the benefits of 'an act for the relief of settlers on the Wabash and Erie canal lands,'" approved Feb. 24, 1840, have had the same under consideration, and directed me to report the same back to the Senate with one amendment, which is to strike the same out from the enacting clause, and insert the following.

The report was concurred in, and said bill ordered to a third reading on to-morrow.

Mr. Baird of St. Joseph made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was re-committed a bill of the House, No. 244, entitled, a bill for the relief of J. B. Moulton, George D. Prentice, and George W. Weisinger have again had that subject under consideration, together with the following instructions: "to call on the board of internal improvement, and ascertain what there is peculiar in this case, if any thing, to indicate that the allowance provided for in this bill should be made." Your committee have taken much time and trouble to fully investigate the nature of this claim. They have had before them the board of internal improvement, with sundry papers and vouchers. Also, Mr. J. B. Moulton, one of the claimants, and Mr. Patterson, one of the arbitrators in said case. Said persons were thoroughly examined upon both sides of this question. Your committee went so far, as to permit said Moulton to make his own statements to them, with a submission of all the proof in his possession. Said Moulton cross-examined said board of internal improvement, and then examined Mr. Patterson, his witness. Your committee inquired particularly of said board, what there was in this case to make it peculiar and to require the allowance prayed for by said petitioners. Said board stated that there was nothing; but, on the contrary, stated, that these claimants were no more entitled to additional compensation, than many of our own citizens, whose claims had been reject-

ed, that were quite as strong as in this case, if not decidedly more so. On examination of the whole case, your committee find, that by an act passed for the relief of said Moulton, Prentice, and Weissinger, approved January 21, 1838, the board of internal improvement were authorized and required to enter into a new contract with said petitioners, and actually did so, by which their original contract was so modified as to allow said petitioners an additional sum upon the same of about \$8,000. The propriety of such an additional allowance, your committee would not now call in question, but refer to it, that the Senate may be reminded, that the present is not the first application by said company for relief. The petitioners "claim, that they are entitled to be paid for the full amount of work contracted to be done, at the contract prices, deducting only what they are prepared to show it would have cost to complete it." For this, there might have been some more plausibility, had said petitioners not acted under the provisions of the law of last winter for the relief of contractors. Under which they, the said petitioners, agreed to suspend, and actually did suspend operations on said contract; and together with the State, submitted the question of damages to arbitrators, who awarded them the sum of \$3,173 86: from this sum the said board deducted \$503 86, believing the award to be excessive. It appeared in evidence before your committee, that upon the board objecting to the allowance of certain items, as preparations, Mr. Weissinger, one of said petitioners, proposed by way of compromise to receive from the board the remainder, being \$2,670. This compromise was effected after the taking of an appeal upon said award. Whereupon it was agreed to dismiss said appeal, which was accordingly done. Mr. Weissinger stating at the time, that they should look to the Legislature for relief. Said board, (Noah Noble and Jesse L. Williams,) both stated to your committee, that they had been upon the ground of said contract, and from a full knowledge of the facts, they had no hesitation in saying, the amount of the award was excessive. They also stated to your committee, that the aforesaid amount of \$2,670, paid said petitioners was a full and adequate compensation to said petitioners. Indeed, from a full survey of the claim, your committee ascertained that the amount to be done on said contract was but little over \$5,000. This was the amount of the contract suspended, upon which the award of \$3,173 86 was rendered. This said board considered enormous, and so do your committee. Each believe the payment of \$2,670 an ample compensation. To pay more, would be a dangerous precedent—do injustice to others, and draw an invidious distinction between our own citizens and those of other States.

Your committee are aware of no principle of honor, law, or morals, which require us to be more liberal to non-residents than our own citizens, in matters of contract. But they believe that all rules, so far as they appertain to this case, and similar ones, should apply equally. The committee believe that the sum paid said petitioners, under said award, is the full "measure of justice, consistent with the

honor and credit of the State," and have directed me to report the same back to the Senate, and recommend its indefinite postponement. In this report and recommendation the committee are unanimous.

The report was concurred in and the bill indefinitely postponed.

Mr. Baird of St. J., from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred the petition of John Smith, and about 125 others, of the county of Carroll, praying for the appointment of a special commissioner, upon the Wabash dam, No. 4, and the works connected with it, and that it be made his duty to have the water-power (particularly upon the Pittsburgh side,) let immediately, at least to have the race put under contract as early in the spring as possible, &c., have had that subject under consideration, and directed me to report, that upon a conference with Jesse L. Williams, chief engineer and member of the board of internal improvement, they ascertained that the water-power aforesaid has been duly advertised for letting according to the existing laws, and that the same was not let for want of bidders. Your committee therefore believe, that said board have fully discharged their duty in the premises. Said Williams also informed the committee, that immediately after the adjournment of the Legislature, he would again advertise the proposed letting of said water-power, which will afford said petitioners ample opportunity for relief if they will but furnish the necessary bidders. It is not to be presumed, that said Williams nor the board can compel persons to bid or take said water-power. All that can be done by said Williams, the said board, or the Legislature is, to give sufficient notifications to the public, that said water-power is to let. This, your committee believe has been sufficiently done already, and that it will continue to be done by said board as necessity may require.

As to the appointment of said special commissioner, prayed for in said petition, your committee are decidedly hostile to it. They do not believe it is demanded either by the interests of the State or the work itself. The expenses of the system of internal improvement is already much too great. The public good and sound policy require, in this time of high and weighty responsibility, the utmost precaution and circumspection. Extra commissioners, extra salaries, extra expenses, and extra responsibilities are dangerous things in these days of "retrenchment and reform." Let our watchword henceforward be, economy in the strictest sense of the term, that no additional appropriations of money shall be made, unless it shall appear as clear as the noon-day sun that it is for the benefit of the State.

Such a course of rigid economy on the part of the Legislature, will by and by restore us to our wonted prosperity, and place Indiana's fair name along side of her most illustrious sisters in the confederacy,

where she may wave triumphantly, as one of the brightest luminaries upon the folds of the American star-spangled banner. Let us show by our actions, that our financial embarrassments have at least taught us one lesson, that of husbanding our resources. Let us be jealous of any enlargement of our operations. Create no new offices—incur no new responsibilities—expend no further sums of money, unless for the certain and paramount interests of the State.

Your committee have been prompted, thus lengthily to advert to said petition, and the evil consequences which might result, by lending too easy an ear to every application of the kind, from the fact of the apparent respectability of said petition and its being signed by so large a number of persons. The committee have decided that legislation on said subject is inexpedient, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged.

Mr. Dobson, from the committee on claims, made the following report:

MR. PRESIDENT—

The committee on claims, to whom was re-committed the petition of J. B. Johnson, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the subject, and ask to be discharged.

The report was concurred in, and the committee discharged.

Mr. Collins, from the committee on the State Prison, made the following report:

MR. PRESIDENT—

The committee on the State prison, to which was referred bill of the Senate, No. 71, a bill for the appointment of a chaplain to the State prison, have, according to order, had the same under consideration, and have instructed me to report the same back to the Senate, and inasmuch as the subject matter thereof is provided for by another bill, which has passed the Senate, to recommend that the bill herewith be laid upon the table.

The report was concurred in, and said bill laid upon the table.

Mr. Watts, from the committee on agriculture, made the following report:

MR. PRESIDENT—

The committee on agriculture, to which was referred bill of the House, No. 298, to amend an act entitled, act concerning inclosures and trespassing animals, approved February 17, 1838, have had the same under consideration, and made one amendment thereto, by adding an additional section, and with that amendment, recommend its passage.

The report was concurred in, the amendments considered as engrossed, and the bill read a third time and passed.

Mr. Watts reported back from the committee on agriculture a bill upon the same subject as the one referred to in the above report, which was, on motion of Mr. Watts, laid on the table.

Mr. Eggleston, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations, to whom were referred a bill No 118, of the Senate, entitled a bill to amend the act incorporating the town of Leavenworth in Crawford county, approved February 7th, 1835, and the subsequent acts amendatory thereto, have had the same under consideration and have directed me to report the same to the Senate without amendment and recommend its indefinite postponement.

The report was concurred in and said bill indefinitely postponed.

Mr. Nave, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations, to which was referred a bill of the Senate, No. 143, entitled a bill to incorporate the Michigan City Manufacturing company, have, according to order had the same under consideration, and have made several amendments thereto, and have directed me to report the same back to the Senate and ask their concurrence therein, and recommend its passage.

The report was concurred in, the rule suspended and the bill read a third time and passed.

Mr. Carr from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations, to whom was referred a bill of the House of Representatives, No. 211, entitled a bill to incorporate the town of Mooresville in Morgan county, have, according to order, examined the same, and have directed me to report it to the Senate without amendment and recommend its passage.

The report was concurred in, the rule suspended and the bill read a third time and passed.

Mr. Angle, from the committee on corporations, made the following report:

Mr. President:

The committee on corporations to whom was referred a bill, No. 264, of the House of Representatives, entitled a bill to incorporate the town of Wilmington in Delaware county, have had the same under consideration and directed me to report the same back to the Senate without amendment and recommend its passage.

The report was concurred in, the rule suspended, and the bill read a third time and passed.

Mr. Morgan, from the committee on corporations, made the following report:

Mr. President—

The standing committee on corporations to which was referred the engrossed bill of the House, No. 143, to incorporate the Greensburgh Steam-mill and manufacturing company, in Decatur county, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

The report was concurred in and the bill read a third time and passed.

Mr. Morgan made the following report:

Mr. President—

The standing committee on corporations to which was referred the engrossed bill of the House to incorporate the Terre Haute Cavalry, No. 112, have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

The report was concurred in, the rule suspended, and the bill read a third time and passed.

The following message was received from the Governor by Mr. Moore, his private Secretary:

Mr. President:

I am directed by the Governor to inform the Senate that he approved and signed, on yesterday,

An act to authorize John Brown to invest certain money in Bank stock for the use of heirs;

An act to authorize Enos Blair, former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county for the years 1836, '37 and '38, for which he was collector;

An act for the relief of Henry Good of the county of Boone;

An act to change a state road therein named;

An act to authorize the Seminary Trustees of Randolph county to borrow money, and for other purposes;

An act to incorporate the Orleans Band;

An act to re-locate a part of a state road therein named;

An act concerning a state road in Tippecanoe county;

An act to amend an act entitled an act to allow further time to the Lawrenceburgh and Indianapolis Rail Road company to settle up and close their affairs, approved February 18, 1840;

An act for the relief of certificate holders to certain school lands in Monroe county;

An act to incorporate the Putnam Band of Music;

An act to amend an act attaching Decatur county to the sixth judicial circuit, and for other purposes, approved Feb. 13, 1840;

A joint resolution on the subject of the State Bank of Indiana;

A joint resolution of the General Assembly of the State of Indiana on the subject of Mr. Benton's bill to establish a permanent prospective pre-emption system in favor of settlers on the public lands who shall inhabit and cultivate the same and raise a log cabin thereon.

All of which originated in the Senate.

Mr. Williams, from the committee on enrolled bills, made the following report:

Mr. President—

The joint committee on enrolled bills report that they have compared the following engrossed joint resolution of the House with the enrolled and find the same truly enrolled to-wit:

No. 322, a joint resolution on the distribution of the proceeds of the sales of the public lands.

The following message was received from the House of Representatives, by Mr. Mason, a member:

Mr. President—

The Speaker of the House of Representatives having signed the following joint resolution of the House,

No. 322, on the subject of the distribution of the proceeds of the sales of the public lands;

I am directed to present the same for the signature of President of the Senate.

The President signed said joint resolution.

Mr. Angle, from a select committee, made the following report:

Mr. President—

The select committee to whom was referred a bill of the House of Representatives, No. 227, entitled a bill supplemental to an act subjecting real and personal property to execution, approved February 4, 1831, with a pending amendment; and also two petitions on the

same subject, have had these matters under consideration and have directed me to report the bill back to the Senate reinstating the bill of the House with the following amendments, and ask the concurrence of the Senate therein, and recommend its passage, to-wit:

Add to the fourth section the following proviso:

Provided, That upon the fourth execution the property so levied upon, whether real or personal, shall be sold for what the same may bring.

5th section. After the word services, insert, "If the same be real property and fifty cents if personal property."

6th section. Strike out "passage" and add publication in the Indiana Journal and Democrat.

The report was concurred in.

Mr. Carnan moved to amend said bill by adding the following proviso:

Provided however, That the sheriff, constable or other officer, when he has levied upon any real estate, which is or has been subject to taxation, he shall not have the same appraised as required by this act, but shall take the assessor's valuation of the same for the current year, when it can be done, as the true appraisement by which to regulate the sale thereof.

Before the question was taken on the proposed amendment,
On motion, the Senate adjourned.

SATURDAY MORNING, FEB. 6, 1841.

The Senate assembled.

Mr. Ewing presented the petition of sundry citizens of Allen county, praying for an act to locate a state road;

Also, a remonstrance of M. Sweetser and others, against the location of said road;

Which were referred to the select committee to which other petitions and remonstrances upon the same subject had been referred.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

I am directed to inform the Senate, that the House has concurred in the several amendments of the Senate to bills of the House

No. 298, an act to amend an act entitled, an act concerning enclosures and trespassing animals, approved, February 17, 1838;

No. 161, an act prescribing the duties of County Auditor;

No. 163, an act prescribing the duties of County Treasurer;

No. 164, an act pointing out the mode of levying taxes;

Mr. Williams from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following engrossed bills of the House with the enrolled, and find the same truly enrolled, to-wit:

No. 159, an act to incorporate the town of Carlisle, in Sullivan county;

No. 209, an act to change the mode of selecting petit jurors in Brown and Martin counties;

No. 219, an act to provide for a state road therein named;

No. 241, an act to authorize the citizens of Clay county to drain the Round Pond;

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed bill of the House of Representatives, to-wit:

No. 100, an act to provide in part for the payment of the interest on the public debt, and to increase the stock of the State in the State Bank, and to authorize said bank to issue notes of a less denomination than five dollars;

And have found the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Hager, their clerk;

MR. PRESIDENT—

The speaker having signed the following enrolled bill of the House;

No. 100, an act to provide in part for the payment of the interest on the public debt, and to increase the stock of the State in the State Bank, and to authorize the said Bank to issue notes of a less denomination than five dollars;

I have been directed to bring the same to the Senate for the signature of the President thereof;

And the President signed said bill.

Mr. Williams, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have pre-

sented to his Excellency the Governor, for his approval and signature, the following bill, to-wit:

No. 100 of the House, an act to provide in part for the payment of the interest on the public debt, and to increase the stock of the State, in the State Bank, and to authorize said Bank to issue notes of a less denomination than five dollars.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT:

The House has passed engrossed bills of the Senate, as follows:

No. 107, an act for the relief of David Stivers;

No. 90, an act to amend an act entitled, an act relative to crime and punishment, approved, Feb. 10, 1831; the first named without amendment, and the second with sundry amendments;

In which the concurrence of the Senate is requested.

The House has also passed an engrossed bill thereof,

No. 299, an act to amend an act to incorporate the town of Jeffersonville, approved, February 22, 1840;

In which I am directed to ask the concurrence of the Senate.

The amendments of the House to bill No. 90, named in the above message, were concurred in.

Bill No. 299 of the message, was read three several times and passed.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

The House has concurred in the amendments of the Senate to bills of the House,

No. 209, to change the mode of selecting petit jurors in the counties of Brown, Martin, and Owen;

No. 50, to amend an act entitled an act to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved Feb. 1st, 1834;

No. 117, to confirm to Nathaniel West a certain lease of water power therein named;

No. 160, to value the property of the State;

No. 262, to re-locate the Rockport and Bloomington state road.

The House has also concurred in the 1st, 3d, 4th, 5th, 6th, and 7th amendments of the Senate to bill of the House, No. 148, to amend an act for the regulation of the State Prison, approved Feb. 17, 1838;

And have concurred in the 2nd amendment of the Senate thereto, with an amendment, in which I am directed to ask the concurrence of the Senate.

The House has also passed engrossed bills of the Senate, as follows, without amendment,

No. 97, an act concerning the late mayor of the town of Lafayette; No. 149, an act to amend the charter of the borough of Vincennes; Also, the following engrossed bills of the House,

No. 325, an act to locate a state road in Sullivan county;

No. 327, an act for the relief of the Hancock County Library;

No. 331, an act for the relief A. B. Coleman;

No. 333, an act in relation to the jurisdiction of justices of the peace in Posey county;

No. 335, an act to provide for the election of an additional justice of the peace in Bluffton, in Wells county;

No. 339, an act to legalize the meetings of the trustees of the La-grange Collegiate Institute,

In which I am directed to ask the concurrence of the Senate.

The amendment to bill of the House, No. 148, named in the above message, was concurred in.

Bills numbered 335, 327, 331, 333, and 335, named in the above message, were severally read a first, second, and third times, the rule having been suspended, and passed.

Bill No. 339, named in the message, was read a first time and ordered to a second reading on Monday next.

The following message was received from the House of Representatives, by Mr. Sweetser of Marion, a member.

MR. PRESIDENT:

The House has passed an engrossed bill of the Senate, as follows:

No. 62, an act to suspend operations upon the public works on account of the State, until they shall be classed, and to authorize individuals to advance means to prosecute them, with two amendments,

In which I am directed to ask the concurrence of the Senate.

Mr. Bell moved to concur in the amendments of the House;

Mr. Collins moved to amend the amendment by striking out of the 7th section, and inserting the following:

Sec. —. The suspended debt of the State, and all the avails which may arise from the sale of the securities taken by the fund commissioners of the State of Indiana to secure the same, whether property or money, are hereby specifically appropriated to the following purposes, to-wit: 1st. To the payment of the outstanding treasury notes of the State of Indiana; and 2ndly, the interest accruing during the years 1841 and 1842, on the public debt of the State of Indiana and redemption of bonds heretofore hypothecated. The residue thereof shall be applied to the works named in this act, as herein directed.

Mr. Elliott moved the previous question.

And the question being, will the Senate sustain the call for the previous question?

The ayes and noes being ordered by Messrs. Armstrong and Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Bell, Elliott, Hanna, Herriott, Moffatt, Mount, Nave, Parker, Stafford, and Tannehill—13.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of Montgomery, Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Foster, Hackett, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Mount, Nickel, Riley, Roberts, Stevenson, Test, Thompson, Watts, Williams, and Wright—33.

So the call for the previous question was not sustained.

Mr. Cravens moved to amend the section proposed to be stricken out, as follows:

Strike out of the seventh section, the following words, viz: "should it become necessary to save the credit and faith of the State," and insert the following, "unless provision should not be previously made therefor by the Legislature."

A division of the question being called for,

The question was taken on striking out, and decided in the affirmative.

The question then being on inserting the amendment proposed by Mr. Cravens,

And the ayes and noes being ordered by Mr. Everts and Mr. Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Blair, Carnan, Collins, Cravens, Elliott, Foster, Hanna, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nave, Parker, Stafford, Stevenson Tannehill, Test and Williams—25.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Carr, Chamberlain, Clark, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Kinzer, McCord, Nickel, Riley, Roberts, Thompson, Watts, and Wright—21.

So the blank was so filled.

The question then recurring on the amendment proposed by Mr. Collins,

A division of the question being called for, and the question being on striking out,

The ayes and noes being ordered by Messrs. Dobson and Armstrong,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Ewing, Hackett, Hargrove, Harris, Kinzer Lowe, McCord, Nickel, Riley, Roberts, Stevenson, Thompson, Watts and Wright—24.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Beard of Mont., Bell, Blair, Carnan, Cravens, Elliott, Foster, Hanna, Herriott, Hoover, Moffatt, Morgan, Mount, Nave, Parker, Stafford, Tannehill, Test and Williams—22.

So the 7th section of the amendment was stricken out.

The question was then put on inserting the amendment of Mr. Collins, and,

The ayes and noes being ordered by Messrs. Eggleston and Collins,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Beard of Mont., Berry, Blair, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams and Wright—33.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Bell, Carnan, Elliott, Hanna, Herriott, Hoover, Moffatt, Mount, Nave and Parker—13.

So the amendment was adopted.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

ORDERS OF THE DAY.

Bill, No. 94, of the Senate, for the relief of purchasers of the Wabash and Erie canal lands,

Was read a third time, and,

On motion of Mr. Angle, laid on the table.

Bill, No. 116, of the House, to extend to the settlers on the Wabash and Erie canal lands the benefits of "an act for the relief of settlers on the Wabash and Erie canal lands," approved February 24, 1840,

Was read a third time and passed.

On motion of Mr. Clark,

Bill, No. 167, to revise and amend an act incorporating congressional townships, and providing for public schools therein," approved February 17, 1838,

Was taken from the table.

Mr. Parker moved to amend said bill, as follows:

Page 22, chapter 18th, proviso to 1st section:—

Provided, That if the qualified voters fail or neglect to elect either Township or District Trustees, as prescribed by law, it shall be the duty of the School Commissioner of the proper county to appoint such Trustees;

Which was adopted.

Mr. Elliott moved to amend said bill, as follows:

Chapter 5, section 2—In the first line after the word forfeiture, insert, "for the non-payment of interest, or on a failure in the payment of the principal within six months after the same becomes due."

Chapter 5, section 2—Insert at the end of the section, these words: "And in case such interest or principal as aforesaid, shall not be paid within sixty days after the same becomes due, the rate of interest on such loan shall thereafter, until the same is paid, or the mortgaged premises sold, be computed at the rate of twenty per cent. per annum."

Said amendments were adopted.

Mr. Hanna moved to amend said bill by striking out the word "May" in the 11th chapter, 3d line of the 5th section, and insert "shall;" which did not prevail.

Mr. Elliott moved to amend said bill, as follows:

27th chapter, 1st section, after 7th line, insert the following:—

For entering satisfaction of mortgage, 12½;

Same chapter and 3d section, strike out "for entering satisfaction of the same," and insert each acknowledgment on loan; and add to the end of said section, "For entry of payment of first year's interest, 25."

Same chapter, 4th section, strike out 2d line;

Which amendments prevailed.

On motion of Mr. Clark,

The amendments were considered engrossed, the rule suspended, and the bill was read a third time and passed.

On motion of Mr. Morgan, the consideration of bill No. 62, suspending the further prosecution of the public works, and for other purposes, with the amendments of the House to said bill, which were pending on last adjournment, was resumed.

Mr. Collins moved to amend the amendment as follows:

Insert after "White water Canal," the new Albany and Vincennes road from Paoli to Mount Pleasant, except the metaling, and the Bridge over White River, and the road from Jeffersonville by the way of New Albany to Salem, as a turnpike, except the metaling,

The ayes and noes being ordered by Messrs. Armstrong and Collins,

Those who voted in the affirmative were,

Messrs. Beard of M., Berry, Carnan, Clark, Collins, Dobson, Ewing,

Hackett, Hanna, Herriott, Hoover, McCord, Parker, Riley, and Stevenson—16.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Baird of St. Joseph, Bell, Blair, Carr, Chamberlain, Cravens, Eggleston, Elliott, Everts, Foster, Hargrove, Harris, Kinzer, Lowe, Moffatt, Morgan, Mount, Nickel, Roberts, Stafford, Tannehill, Test, Watts, Williams, and Wright—27.

So the amendment was not adopted.

Mr. Stevenson moved to amend the amendment by adding to the first section the following:

"And the road from Greencastle through Crawfordsville to Lafayette,"

Which was not agreed to.

Mr. Angle proposed to amend by adding to the first section the following: "and also the Michigan road."

The ayes and noes being demanded by Messrs. Angle and Ewing.

Those who voted in the affirmative were,

Messrs. Angle, Baird of St. Joseph, Chamberlain, Clark, Collins, Ewing, Hackett, Hanna, Harris, Nickel, and Wright—11.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Beard of Montgomery, Bell, Berry, Blair, Carnan, Carr, Cravens, Dobson, Eggleston, Elliott, Everts, Foster, Hargrove, Hoover, Herriott, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, and Williams—33.

So the amendment did not prevail.

Mr. Dobson moved to amend the amendment as follows:

"Strike out the Madison Road, and insert the New Albany and Vincennes between Paoli and Mount Pleasant, except the metaling and bridging across White river, and Jeffersonville and Crawfordsville road from Jeffersonville via New Albany to Salem, except the metaling, and between Spencer and Lafayette, except the metaling;

The ayes and noes being ordered by Messrs. Dobson and Berry

Those who voted in the affirmative were,

Messrs. Beard of M., Berry, Carnan, Collins, Clark, Dobson, Eggleston, Hackett, Hoover, McCord, Riley, Roberts, Stevenson, and Thompson—14.

Those who voted in the negative were,

Messrs. Angle, Arion, Bell, Blair, Carr, Chamberlain, Cravens, Elliott, Everts, Ewing, Foster, Hanna, Hargrove, Harris, Herriott,

Kinzer, Moffatt, Morgan, Mount, Nickel, Parker, Stafford, Tannehill, Test, Watts, Williams, and Wright—27.

So said amendment was not adopted.

Mr. Armstrong moved to amend as follows:

Strike out the White water canal, and insert, "the Jeffersonville and Crawfordsville road, and the fund hereby appropriated to said road, shall be first applied to the erection of Bridges thereon, and the residue thereof, if any, to the grading between Jeffersonville and Salem.

A division of the question being called, and the question being on striking out,

The ayes and noes being ordered by Messrs. Armstrong and Harris,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Clark, Collins, Dobson, Hackett, Hargrove, Harris, Kinzer, McCord, Riley, Roberts, Stevenson, and Thompson—16.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. Jos., Beard of Mont., Bell, Blair, Carnan, Cravens, Eggleston, Elliott, Everts, Ewing, Foster, Hanna, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nickel, Parker, Stafford, Tannehill, Test, Watts, Williams, and Wright—28.

So the motion to strike out did not prevail.

Mr. Carr moved to amend the amendment, by adding as a proviso to the 4th section,

Provided, however, That no part of the appropriation of \$50,000 to the improvement of the Rapids of the Wabash river, contemplated by this act, shall be expended for that purpose, until it is met by a corresponding appropriation on the part of Illinois.

The ayes and noes being ordered by Messrs. Carr and Riley,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Bell, Berry, Carr, Chamberlain, Clark, Collins, Cravens, Elliott, Everts, Foster, Hackett, Kinzer, Lowe, Morgan, Nickel, Riley, and Tannehill—20.

Those who voted in the negative were,

Messrs. Arion, Beard of M., Blair, Carnan, Dobson, Eggleston, Ewing, Hargrove, Harris, Herriott, Hoover, McCord, Moffatt, Mount, Parker, Roberts, Stafford, Stevenson, Test, Thompson, Watts, Williams, and Wright—23.

So said amendment did not prevail.

Mr. Dobson moved to amend the amendment, as follows:

Strike out the White Water canal and insert the New Albany and Vincennes road, and the Jeffersonville and Crawfordsville, except the metaling said roads.

Mr. Test moved the previous question. And the question being, will the Senate sustain the call for the previous question?

The ayes and noes being ordered by Messrs. Test and Armstrong,

Those who voted in the affirmative were,

Messrs. Angle, Beard of Mont., Bell, Cravens, Moffatt, Morgan, Mount, Parker, Test, and Williams—10.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Baird of St. Jos., Berry, Blair, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Kinzer, Lowe, McCord, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, Watts, and Wright—34.

So the call for the previous question was not sustained.

Mr. Test moved to lay the bill and proposed amendments on the table.

The ayes and noes being ordered by Messrs. Dobson and Thompson,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Beard of Mont., Clark, Elliott, Hanna, Hargrove, Herriott, Lowe, Moffatt, Morgan, Mount, Parker, Tannehill, Test, and Williams—16.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Jos., Bell, Berry, Blair, Carnan, Carr, Chamberlain, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Foster, Hackett, Harris, Hoover, Kinzer, McCord, Nickel, Riley, Roberts, Stafford, Stevenson, Thompson, Watts, and Wright—28.

So said motion did not prevail.

The question then recurred on the amendment proposed by Mr. Dobson.

The ayes and noes being ordered by Messrs. Dobson and Collins,

Those who voted in the affirmative were,

Messrs. Armstrong, Beard of M., Berry, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Hackett, Kinzer, McCord, Riley, Roberts, Stevenson, and Thompson—16.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. Jos. Bell, Blair, Cravens, Eggleston, Elliott, Everts, Ewing, Foster, Hanna, Hargrove, Harris, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nickel, Parker, Stafford, Tannehill, Test, Watts, Williams, and Wright—28.

So the amendment was not adopted.

Mr. Clamberlain moved to amend the amendment as follows:

Strike out all the bill excepting so much as relates to the application of the suspended debt, to the redemption of the Treasury Notes, and payment of interest on the State debt.

The ayes and noes being ordered by Messrs. Chamberlain and Harris,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. J., Berry, Chamberlain, Clark, Collins, Dobson, Ewing, Hackett, Hargrove, Harris, Riley, and Roberts—13.

Those who voted in the negative were,

Messrs. Angle, Arion, Beard of M., Bell, Blair, Carnan, Carr, Cravens, Eggleston, Elliott, Everts, Foster, Hanna, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nickel, Parker, Stafford, Stevenson, Tannehill, Test, Thompson, Watts, Williams and Wright—31.

So said amendment did not prevail.

Mr. Collins moved to amend the amendmant as follows:

Strike out so much of the 5th section as directs the tolls on works finished by campanies and individuals to be divided between them and the state in proportion to the amount expended by the parties respectively.

Said amendment was adopted,

The question was then put on concurring in the amendment of the House as amended;

The ayes and noes being ordered by Messrs. Chamberlain and Collins,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Beard of M., Bell, Blair, Cravens, Eggleston, Elliott, Everts, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nickel, Parker, Tannehill, Test, Watts, Williams and Wright—23.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Berry, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Riley, Roberts, Stafford, Stevenson and Thompson—21.

So the amendments were concurred in.

The following message was received from the House of Representatives, by Mr. Bennett, their Assistant Clerk:

MR. PRESIDENT:

I have been directed by the House of Representatives to inform the Senate that the House has passed an engrossed bill thereof,

No. 294, an act to incorporate the Preachers' Aid Society;

In which the concurrence of the Senate is respectfully requested.

Bill No. 294, of the message, was twice read and referred to the committee on corporations.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bills of the Senate, as follows:

No. 98, an act relative to the Surplus Revenue of the U. States allotted to Carroll county;

No. 143, an act to incorporate the Michigan City Manufacturing company;

Also the following engrossed bills of the House:

No. 295, an act to amend an act to incorporate the City of Richmond in Wayne county, approved Feb. 24, 1840;

No. 303, an act respecting licenses for retailing spiritous liquors in the City of Richmond;

No. 313, an act to provide for the election of an additional justice of the peace in the town of Putnamville in Putnam county;

No. 332, an act concerning petit jurors in certain counties therein named,

No. 340, an act to vacate part of a state road therein named,

In which the concurrence of the Senate is respectfully requested.

Bill No. 295, of the message, was twice read and referred to the committee on corporations.

Bill No. 303, of the message, was read a first and second times and ordered to a third reading on Monday next.

Bill No. 313, of the message, was read three several times and passed.

Bill No. 332, of message, was twice read.

Mr. Test moved to refer said bill to the committee on the judiciary;

Which did not prevail.

On motion of Mr. Angle, said bill was amended by inserting the county of "Boone."

On motion of Mr. Morgan, the bill was amended by striking out the county of "Decatur."

On motion of Mr. Foster, the bill was amended by adding the county of "Grant."

On motion of Mr. Ewing, the bill was further amended by striking out the county of "Allen."

Mr. Elliott moved to amend said bill by adding:

Sec. — That in the county of Henry there shall be but one panel of fifteen petit jurors drawn and empaneled for any term of said court, who shall be drawn for and required to attend during the sitting of the court at the term for which they may be so empaneled;

Which was adopted.

On motion, the Senate adjourned.

MONDAY MORNING, FEBRUARY 8, 1841.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution, in which the concurrence of the Senate is requested:

Resolved, That this House will, the Senate concurring, proceed at 2 o'clock, P. M., on Monday, to the election of a State librarian.

Messrs. Defrees and Coleman are appointed tellers on the part of the House.

Mr. Stevenson moved the above resolution be reciprocated by the Senate.

The ayes and noes being ordered by Messrs. Collins and Armstrong,

Those who voted in the affirmative were,

Messrs. Baird of St. Jos., Bell, Berry, Carnan, Clark, Dobson, Eg-

gleston, Elliott, Everts, Ewing, Hoover, McCord, Moffatt, Morgan, Parker, Riley, Stafford, Stevenson, Test, Thompson, Williams, and Wright—22.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Beard of M., Blair, Carr, Chamberlain, Collins, Cravens, Foster, Hackett, Hanna, Harris, Herriott, Kinzer, Lowe, Mount, Nickel, Roberts, Tannehill, and Watts—21.

So the motion prevailed.

And Messrs. Stevenson and Lowe were appointed tellers on the part of the Senate.

Bill No. 340, of the House, named in a message received from the House on Saturday, was read three several times and passed.

Mr. Cravens, leave being granted, introduced bill No. 151, to change the name of William Wallace, which was read three several times, the rule being suspended, and passed.

Mr. Angle presented the petition of sundry citizens of Lebanon, Boone county, praying for the repeal of the charter incorporating said town, which was referred to a select committee of Messrs. Angle, Armstrong, and Wright.

Mr. Morgan presented the petition of sundry citizens of Decatur county, praying that the 10th section of the law regulating the jurisdiction of justices of the peace may be repealed, so far as the county of Decatur is concerned, which was referred to a select committee of Messrs. Morgan, Lowe, and Clark.

Also, a remonstrance, upon the same subject, which was referred to the same select committee.

Mr. Nickel presented the petition of sundry citizens of Shelby county, praying for the passage of a law, exempting mechanics' tools and implements of husbandry, from execution, which was, on motion, laid on the table.

Mr. Eggleston, from the committee on finance, made the following report:

MR. PRESIDENT—

The standing committee on finance, to whom was referred a joint resolution of the Senate, No. 146, entitled, a joint resolution in relation to the \$300,000 of State bonds, wrongfully withheld from the State, have had the same under consideration, and have directed me to report that your committee, with a view of ascertaining the precise facts in relation to these bonds, and whether the object of the joint resolution could have been accomplished, addressed to Milton Stapp, Esq., a note in which was propounded to him such queries as in the opinion of your committee would elicit the desired information.—Your committee herewith submit the note to General Stapp, and his reply, marked A and B, as part of this report. Your committee feel that the adoption of this joint resolution is recommended by several

cogent reasons, which will not fail to strike the Senate on a view of the whole facts. The bonds were surreptitiously obtained, and put in circulation, and never having had a legal existence by any authorized emission, it becomes a very grave question of law and a nicer question of ethics whether the State is bound to redeem them or not, although they might be in the hands of innocent purchasers without notice of their fraudulent emission. Your committee have not given to this question that investigation to which its intricacy demanded, because they conceived that the adoption of the joint resolution is opposed by two considerations which, as objections, are insurmountable. 1st, the report of the fund commissioner, shows that the bonds in question cannot be identified with certainty. The adoption of this resolution, without designating the precise bonds intended to be repudiated, would cause the whole of the State stocks to fall in value to an extent which cannot be calculated. These stocks, form the basis of commercial transactions in the eastern market, and in Europe, passing from hand to hand like bills of exchange, or other commercial securities. If the precise bonds could be certainly ascertained by their numbers and dates, the joint resolution might accomplish its purpose without prejudicing the rights of the other holders of our paper, as this cannot be done without a judicial investigation, your committee conceive that the adoption of the joint resolution would probably not only fail of its purpose, but would be destructive of State credit, and exceedingly injurious to the innocent holders of our other paper. A second consideration which operated on your committee with some force is, that a better plan for accomplishing the objects of this joint resolution, is before the other branch of the present General Assembly, and is likely to be adopted by that body. Your committee, therefore, recommend that the joint resolution in question be indefinitely postponed.

SENATE CHAMBER, }
Indianapolis, February 6, 1841. }

MILTON STAPP, Esq.,

Dear Sir: A Joint Resolution of the Senate, No. 146, "in relation to the three hundred thousand dollars of State Bonds wrongfully withheld from the State," by the Morris Canal and Banking Company, has been referred to the standing committee on finance, with a view to report the same back to the Senate in such a manner that it may act advisedly and safely in the premises. Your attention is, therefore, respectfully called to the resolution, and you will please communicate every information you may have in your possession in reference to the following particulars, to wit:

1. What were the circumstances under which the Bonds in question were transferred to the Company?

2. What was the informality complained of in the previously delivered bonds?

3. Were not the bonds delivered as an *escrow*—the understanding being that the issue and delivery was not to be regarded as a complete and absolute transfer, until the informal bonds were re-delivered?

4. Was there any fraud practiced on the State by the Company in this transaction, and, if so, in what does the fraud consist?

5. Can the bonds in question be now identified—if so, are they now in the possession of, or under the control of, the Company—if not, are they now holden by those who were privy to the circumstances under which the Company received them; and who are the present holders, if said Company is not?

6. Are the bonds in question now regarded as the consideration for the \$300,000 worth of Iron agreed to be received from the Company—if not, in what was the consideration for the Iron?

7. And, generally, any other information you may have, and important for the Senate to know, to the end that its action may be with a view to the preservation of the integrity of the State, as well as its pecuniary interest.

It is important that you reply to the foregoing at as early a moment as possible.

Very respectfully, yours,
S. W. PARKER, Chairman, &c.

Indianapolis, February 8th, 1841.

S. W. PARKER, Chairman Finance Committee:

Sir: In answer to yours of the 6th inst., I have to say—

1st. That I am not particularly acquainted with the circumstances under which the \$300,000 of bonds spoken of in your note were delivered to the Morris Canal and Banking Company, the bonds having been delivered before I had the honor to be a fund commissioner of the State.

2d. I never saw any one of the informal bonds, but understand that the informality consists in having no certain place of payment named in the bond.

3d. I presume the transfer was not complete until exchanged for the informal bonds, or put into the hands of *innocent* holders, at which time I conceive (the bonds being payable to bearer,) the transfer to be complete, and the State bound to pay them.

4th. I do not believe that there was an intentional fraud committed by the Company, but the act of conversion was wrong and inexcusable.

5th. I do not know that these bonds can be identified. They belong to an issue of a million of sterling bonds to this Company, which were numbered from 1 to 1000, inclusive. I do not believe that they are in possession or under the control of this Company. I do not know that they are held by others who were privy to the circumstances under which the company received them. I do not know who holds them.

6th. These bonds are not regarded as the consideration for the \$300,000 worth of iron. They are not disturbed in any way from their former position, only that the mortgage and securities cover not only the debts of this institution, but all other liabilities, including the returning of any bonds which they may be bound to return to Indiana. The bonds for the \$300,000 worth of iron was taken, on a part of the internal improvement debt, and can be rescinded at any moment, if the Legislature prefer the liability of the Morris Canal and Banking Company alone, rather than their own obligations secured by the obligations of two responsible iron companies.

7th. And generally, from all I can learn about the delivery of the \$300,000 of bonds, the facts probably may be put down as follows: Sometime in 1838, a sale of one million of sterling bonds was made to the Morris Canal and Banking Company; that \$700,000 of these bonds were sent to the Messrs. Rothchilds & Sons, and \$300,000 delivered to the Bank of the United States. That when the Messrs. Rothchilds examined the bonds, they found that the informality above spoken of, would prevent their sale, and requested to have them exchanged for more formal bonds, which was done by issuing another million of bonds of the same date and numbers of the first, and delivering them to the Morris Canal and Banking Company to exchange for the informal bonds; that \$700,000 of formal bonds were sent to the Messrs. Rothchilds and duly exchanged, and that \$300,000 of bank loan bonds were sent to Mr. Jaudon of the Bank of the United States, to exchange for the informal bonds in his possession; but he regarding internal improvement bonds as being more saleable than bank loan bonds, and being satisfied with the formality of the bonds, refused to accept the proffered exchange, and in the interim the \$300,000 of formal internal improvement bonds were parted with by the Morris Canal and Banking Company. This, however, is their own version, of which I of course know nothing.

It is due to myself to State, that I knew nothing of the situation of these bonds until about this time last year, when my attention was called to it by Dr. Coe, in this town, and I was requested by him to insist on the return of these bonds at an early day.

I am, sir, very respectfully,

Your obedient servant,

MILTON STAPP,

Fund Commissioner.

Mr. Baird of St. Joseph moved that the report and joint resolution referred to, be laid on the table.

The ayes and noes being ordered thereon, by Messrs. Chamberlain and Kinzer,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. J., Beard of M., Bell, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Herriott, Hoover, Moffatt, Mount, Parker, Riley, Test, Williams and Wright—20.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Blair, Carr, Chamberlain, Dobson, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, McCord, Morgan, Nickel, Roberts, Stafford, Stevenson, Tannehill, Thompson and Watts—22.

So said motion did not prevail.

The question was then put on concurring in the report.

The ayes and noes being ordered by Messrs. Stevenson and Dobson,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Beard of M., Blair, Carnan, Clark, Collins, Eggleston, Elliott, Everts, Herriott, Hoover, Moffatt, Morgan, Mount, Parker, Test and Williams—18.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Bell, Berry, Carr, Chamberlain, Dobson, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, McCord, Nickel, Roberts, Stafford, Stevenson, Tannehill, Thompson, Watts and Wright—24.

So said joint resolution was not indefinitely postponed, and,

On motion of Mr. Ewing,

Said joint resolution was referred to the committee on the canal fund.

Mr. Parker, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The standing committee on the judiciary, agreeably to order, have had under consideration the memorial of the agent of the conference of the Methodist Episcopal church of the State of Indiana, in reference to the collection of certain subscriptions made for the purpose of the erection of a college edifice at the town of Greencastle in this State, and have instructed me to report the accompanying preamble and bill, and recommend the passage thereof.

Bill No. 152, authorizing certain suits to be brought in the name of the agents of an unincorporated society,

Was read three several times, the rule being suspended, and passed.

Mr. Collins from the committee on the judiciary, made the following report:

MR. PRESIDENT—

The committee on the judiciary, to which was referred engrossed bill of the House of Representatives, No. 223, entitled a bill to legalize

and give effect to certain official acts of the late clerk of Floyd circuit court, have according to order had the same under consideration and have instructed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in,

And the rule being suspended, said bill was read a third time and passed.

Mr. Clark, from the committee on the judiciary, made the following report:

Mr. PRESIDENT:

The judiciary committee, to which was referred the petition of G. G. Dunn, praying the enactment of a law authorizing the chancery court of the county of Lawrence to appoint a commissioner to execute deeds and release mortgages in certain cases, have had the same under consideration and directed me to report the accompanying bill and recommend its passage.

Bill No. 153, to enable George G. Dunn, guardian of the minor heirs of Moses Fell, deceased, to convey certain real estate,

Was read three several times, the rule being suspended, and passed.

Mr. Baird of St. Joseph, from the committee on canals and internal improvements, made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a bill of the House of Representatives, No. 259, entitled a bill to secure the safety of the public funds, by requiring bonds of certain officers, have had that subject under consideration and directed me to report that in the opinion of said committee said bill ought to pass. They have therefore, directed me to report the same back to the Senate without amendment, that the view of your committee may be carried out by the passage thereof.

Mr. Ewing moved to amend said bill by striking it out from its enacting clause and inserting the following:

Sec. 1. That from and after the first day of March next, the present board of public works shall be dissolved, and in lieu thereof the present Chief Engineer shall do the duties of said board, so far as relates to the public works created by an act entitled an act to provide for a general system of internal improvement, approved January 27th, 1836, and as Chief Engineer shall have charge thereof, except the Michigan and Erie Canal.

Sec. 2. There shall be appointed, in lieu of the superintendent, by the Governor, by and with the advice and consent of the Senate, a commissioner, who shall be commissioner of the Wabash and Erie Canal; to do and perform all the duties required by law of said commissioner, and to have charge and supervision of the Michigan and Erie Canal; who shall reside on the eastern division of said Wabash and

Erie Canal, and personally attend to the duties of said office; and it shall be a special part of his duty to visit as often as once a week the St. Joseph's feeder dam, and adopt measures for the security and preservation thereof as far as may be practicable and in his power; said Chief Engineer and Commissioner, after being qualified as herein required, to serve for the term of three years each, unless sooner removed as hereinafter provided for.

Sec. 4. The said Chief Engineer and Commissioner, before entering upon the duties of their respective office, shall severally take an oath before some person legally authorized to administer oaths, to faithfully discharge the duties of their office, and shall each file a bond in the office of Secretary of State, with sufficient security to be approved of by the Governor, in the penal sum of thirty thousand dollars, conditioned for the faithful discharge of all the various duties enjoined upon them by law, and also for the faithful accounting for of all moneys which may come into their hands by virtue of their offices in any manner whatever. The interest received for canal lands sold prior to the 1st day of October, A.D. 1840, shall be deposited in the Treasury of State quarterly as received, and all at the expiration of each respective year; and all received for land sold or to be sold subsequent to the aforesaid 1st day of October, 1840, shall be gradually deposited in the nearest Branch Bank of Indiana, and paid out for work upon said Wabash and Erie Canal as required by law; and quarterly accounts of the receipts and expenditure thereof shall be reported to the Secretary of the Treasury; and when all the work on said canal done or to be done is paid for, then said deposits shall be quarterly transmitted to the Secretary of the Treasury; and after defraying all the necessary expenses of repairs, breaches, &c. on said canal, the residue of the tolls, rents, all the income collected from said canal, shall be deposited in like manner in the Treasury of State.

Sec. 5. It shall be the duty of the Chief Engineer to superintend the enlargement of the St. Joseph's feeder, to procure sufficient supply of water at all times for all the use and purposes of said Wabash and Erie Canal, and to finish the remaining items of work thereon necessary for the preservation and final completion of them, out of the proceeds, avails, or credits of lands sold or to be sold since the first day of October, 1840, and evidences of indebtedness for said work to be received in payment for the interest and principal of said lands.

Sec. 6. It shall be the duty of said commissioner to have an interview without delay, with the board of public works of Ohio, and negotiate with them in relation to a supply of water, and other matters affecting the interest of both States in connection with said canal; and urge upon them the adoption of such measures as are recommended by the Chief Engineer of this State, in his last annual report and correspondence with the Commissioner of Ohio, with a view to secure the certain opening of navigation and final completion of the whole line of said Wabash and Erie Canal by March, 1842.

Sec. 7. In case of any vacancy in either of said offices of Chief Engineer or Commissioner, caused by death, resignation, or other-

wise, at any time when the General Assembly is not in session, the vacancy shall be filled by appointment of the Governor, and the person so appointed shall serve until the first Monday of March next ensuing after the session of the General Assembly succeeding his appointment; but, if at the time such vacancy occurs, the General Assembly be in session, then such vacancy shall be filled by appointment of the Governor, by and with the advice and consent of the Senate.

Sec. 8. Said Chief Engineer and Commissioner, or either of them, may at any time be removed by joint resolution of the General Assembly.

Sec. 9. Said Chief Engineer and Commissioner, shall each receive the sum of one thousand dollars per annum, in full for their services respectively, and including all expenses, and may employ such superintendents or assistants from time to time, as may be indispensable and absolutely required by the Public service and none other, and pay them such compensation whilst in actual service, as may be equitable and just; but in no case shall they allow any one person to exceed three dollars per day, for any day of actual service rendered, including all expenses; and if employed during the whole year, said compensation shall not to any one person, exceed the sum of eight hundred dollars per annum, including all expenses.

Sec. 10. Said Commissioner shall specially protect the timber on said canal lands sold, or hereafter to be sold as directed by law, and keep in repair and protect and prevent damage to said canal by proper attention thereto, and the application of proper means and labor and supervision thereof, as far as may be in his power, by a careful personal supervision thereof, and shall have the advice and assistance and co-operation of said Chief Engineer, when proper and necessary in all matters in relation to said canal, and in all matters in relation to important repairs, assessing, collecting or regulating tolls, renting water power, and other important duties, said Commissioner shall consult and advise with said Chief Engineer.

All laws and parts of laws, heretofore enacted, contravening the provisions of this act, be and the same are hereby repealed.

A division of the question being called for,

The question was taken on striking out, and decided in the negative.

Mr. Ewing moved to refer said bill to a select committee, Which did not prevail.

Mr. Lowe moved to amend said bill by adding the following:

Provided, That the superintendent and clerks provided to be appointed by the provisions of this act, shall not receive a greater compensation than at the rate of six hundred dollars per annum.

Which amendment was adopted,

And the rule being suspended, the amendment was considered as engrossed, and the bill was read a third time and passed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate met:

The following message was received from the House of Representatives, by Mr. Hager their clerk:

Mr. President—

I am directed by the House of Representatives to inform the Senate, that the House has adopted the following resolution:

Resolved, that the Senate be invited to attend instantler, in the Hall of the House of Representatives to proceed to the election of a State Librarian; and that seats be provided for them on the right of the Speaker's chair.

Thereupon the Senate repaired to the Hall of the House of Representatives for the purpose of electing said officer.

The convention then proceeded to elect by ballot a State Librarian, and upon counting the votes upon the first ballot it appeared that

John Cook had received	-	-	-	35	votes
Arthur Hill,	-	-	-	26	"
John F. Ramsay,	-	-	-	21	"
A. A. Loudon,	-	-	-	10	"
A. C. Sullivan,	-	-	-	17	"
J. Hare,	-	-	-	12	"
Scattering,	-	-	-	6	"

Neither of the persons having received a majority of all the votes given, the convention proceeded to ballot a second time, and upon counting the votes on the second ballot, it appeared that

John Cook had received	-	-	-	50	votes
Arthur Hill,	-	-	-	41	"
John F. Ramsey,	-	-	-	18	"
A. C. Sullivan,	-	-	-	13	"
A. A. Loudon,	-	-	-	7	"
Scattering,	-	-	-	5	"

Neither of the persons having received a majority of all the votes given, the convention proceeded to ballot a third time, and upon counting the votes on the third ballot, it appeared that

John Cook had received	-	-	-	63	votes
Arthur Hill,	-	-	-	56	"
John F. Ramsey,	-	-	-	7	"
Scattering,	-	-	-	7	"

Neither of the persons having received a majority of all the votes

given, the convention proceeded to ballot a fourth time, and upon counting the votes on the fourth ballot, it appeared that

John Cook had received	-	-	-	-	67	votes
Arthur Hill,	-	-	-	-	65	"
Scattering,	-	-	-	-	3	"

Neither of the persons having received a majority of all the votes given, the convention proceeded to a 5th ballot, and upon counting the votes upon the 5th ballot, it appeared that

John Cook had received	-	-	-	-	79	votes
Arthur Hill,	-	-	-	-	57	"
Blank,	-	-	-	-	1	"

John Cook having received a majority of all the votes given, the President declared him duly elected State Librarian and keeper of the State House.

The Senate returned to its chamber.

A message from the House of Representatives by Mr. Hager, their clerk:

Mr. President—

I have been directed by the House to inform the Senate, that the House has concurred in the amendment of the Senate to bill of the House,

No. 116, to extend to the settlers on the Wabash and Erie canal lands, the benefits of "an act for the relief of settlers on the Wabash and Erie canal lands," approved Feb. 24, 1840.

Mr. Williams, from the committee on enrolled bills, made the following report:

Mr. President—

The joint committee on enrolled bills report, that they have compared the following engrossed bills of the Senate with the enrolled, and find the same truly enrolled, to-wit:

No. 90, an act to amend an act relative to crime and punishment, approved February 10, 1831;

No. 107, an act for the relief of David Stiver;

A message from the House of Representatives by Mr. Hager, their clerk:

Mr. President—

The speaker having signed the following enrolled bills of the House; No. 107, an act to amend an act entitled, an act authorizing the appointment of pilots at the falls of the Ohio river in this State, approved, February 7, 1825;

No. 159, an act to incorporate the town of Carlisle in Sullivan county;

No. 209, an act to change the mode of selecting petit jurors, in Brown and Martin counties;

No. 219, an act to provide for a state road therein named;

No. 241, an act to authorize the citizens of Clay county to drain the Round Pond;

I have been directed to bring the same to the Senate for the signature of the President thereof;

And the President signed said bills.

A message from the House of Representatives by Mr. Hager, their clerk:

Mr. President—

The speaker having signed the following enrolled bills of the Senate;

No. 90, an act to amend an act relative to crime and punishment, approved, February 10, 1831;

No. 107, an act for the relief of David Stiver;

I have been directed to bring the same to the Senate for the signature of the President thereof.

The President signed said bills.

Mr. Williams made the following report:

Mr. President—

The joint committee on enrolled bills, report that they have presented to his Excellency, the Governor, for his approval and signature, bills of the House, as follows, to-wit:

No. 107, an act to amend an act entitled, an act authorizing the appointment of pilots at the falls of the Ohio in this State, approved, February 7th, 1825;

No. 159, an act to incorporate the town of Carlisle, in Sullivan county;

No. 219, an act to provide for a state road therein named;

No. 241, an act to authorize the citizens of Clay county to drain the Round Pond.

They also report that they have presented to his Excellency the Governor, for his approval and signature, bills of the Senate as follows, to-wit:

No. 90, an act to amend an act relative to crime and punishment, approved, February 10, 1831;

No. 107, An act for the relief of David Stiver.

ORDERS OF THE DAY.

Bill No. 303 of the House, respecting licenses for retailing spiritous liquors in the city of Richmond, was read a third time and passed.

Bill No. 339 of the House, to legalize the meetings of the Trustees of the Lagrange Collegiate Institute, was read a second and third times and passed.

Bill No. 332, concerning petit jurors, in certain counties therein named, came up for consideration.

The question pending, was on the amendment proposed by Mr. Elliott; which was adopted.

On motion of Mr. Stevenson, said bill was amended by striking out the county of "Putnam."

On motion of Mr. Carr, the bill was amended by striking out the county of "Scott."

On motion of Mr. Herriott, said bill was amended by adding the "county of Johnson."

On motion of Mr. Hoover, the "county of Tippecanoe," was struck out of said bill.

On motion of Mr. Watts, said bill was amended by striking out the "county of Dearborn."

On motion of Mr. Riley, the "county of Orange," was stricken out of said bill.

The question was then put on ordering the amendments to be engrossed, and the bill read a third time to-morrow.

The ayes and noes being ordered by Messrs. Test and Carr,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Beard of Montgomery, Bell, Berry, Carnan, Clark, Dobson, Elliott, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Lowe, Mount, Nickel, Parker, Roberts, Stafford, Stevenson, Tannehill, and Wright—26.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Carr, Collins, Cravens, Eggleston, Ewing, Kinzer, McCord, Moffatt, Morgan, Riley, Test, Watts and Williams—15.

So said bill was ordered to a third reading to-morrow.

On motion of Mr. Wright, the rule was suspended, the amendments considered engrossed, and the bill was read a third time.

On motion of Mr. Thompson, said bill was amended by consent, so as to include the "county of Crawford."

And on the question, shall said bill pass?

The ayes and noes being ordered by Messrs. Test and Moffatt,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Montgomery, Bell, Berry, Dobson, Elliott, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Lowe, Mount, Nickel, Parker, Stafford, Stevenson, Tannehill, Thompson and Wright—25.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Carr, Carnan, Clark, Collins, Cravens, Eggleston, Ewing, Kinzer, McCord, Moffatt, Morgan, Riley, Test and Watts—16.

So said bill passed.

Mr. Baird of St. J., from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a bill of the House of Representatives, No. 190, entitled a bill to amend the 17th section of an act to provide for a general system of internal improvements, approved January 27, 1836, have had said bill under consideration and directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in, and said bill indefinitely postponed. Mr. Baird of St. J. made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a bill of the Senate, No. 140, entitled a bill to provide for running the cars on the Madison and Indianapolis Rail-road, have had the same under consideration. Your committee are of opinion that the laws now in force upon that subject, giving the Board of Internal Improvement power to let said road annually, are sufficient upon that subject. They believe to let the road out upon the conditions named in said bill for the term of five years would be injudicious and a subject which the state might very much regret before the expiration of said five years. Your committee recommend that said bill shall not pass but lie upon the table until some stronger inducements shall be held out to warrant a further consideration of said bill.

The report was concurred in, and said bill laid on the table.

Mr. Moffatt, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee of canals and internal improvements, to whom was referred a bill of the House of Representatives, entitled an act for the relief of Alexander Beard, have had the same under consideration and directed me to report it back to the Senate without amendment and recommend its passage.

The report was concurred in, and the rule having been suspended, said bill was read a third time and passed.

Mr. Eggleston, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred a bill of the Senate, entitled a bill to incorporate the Centre Church of Crawfordsville, have had the same under consideration and have directed me to report the same to the Senate without amendment and recommend its passage.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Bill No. 227, of the House, supplemental to an act subjecting real and personal estate to execution, approved February 4, 1831, which had been reported back from a select committee to which it had been referred, came up for consideration.

The question pending was on the adoption of the amendment proposed by Mr. Carnan, when said bill was last under consideration.

Mr. Carnan withdrew said amendment and proposed the following in lieu thereof:

Provided the valuation of said appraisers shall, in no case where they may be called on to appraise real estate subject to taxation, exceed the assessors valuation of the same for the current year: *Provided further*, where said appraisers may be called on to value a part of any town lot, lot of land, or other real estate, subject to taxation, they shall in no case place such a value upon said part of town lot, lot of land, or other real estate, as at the same ratio, would cause the value of the whole of such town lot, lot of land, or other real estate to exceed the assessor's valuation of the same for the current year: *Provided further*, wherever any permanent improvements have been put upon such real estate between the time the assessor may have valued it and the time the appraisers may be called upon to value it, the appraisers shall make a valuation of such improvements in addition to the valuation of such real estate independent of these improvements.

Mr. Parker moved to re-commit said bill and pending amendment to a select committee, with instructions to amend by providing that the operations of said act should not affect contracts and judgments now existing;

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Arion, Berry, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Hackett, McCord, Parker, Riley, Roberts, Test, Thompson, Watts and Williams—17.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Baird of St. J., Beard of M., Bell, Blair, Carr, Chamberlain, Dobson, Everts, Ewing, Foster, Hanna, Hargrove, Harris, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Nickel, Stafford, Stevenson, Tannehill and Wright—27.

So said motion did not prevail.

On motion, the Senate adjourned.

TUESDAY MORNING, FEB. 9, 1841.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Jenckes, a member:

MR. PRESIDENT—

The House of Representatives has passed the following engrossed bill thereof,

No. 166, an act levying a tax for state and internal improvement purposes;

In which I am directed to ask the concurrence of the Senate.

Mr. Test moved that the rule be suspended and said bill be read a second time now;

The ayes and noes being ordered by Messrs. Armstrong and Cravens,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Beard of M., Bell, Blair, Carnan, Clark, Elliott, Foster, Herriott, Hoover, Kinzer, Lowe, Moffatt, Morgan, Mount, Parker, Roberts, Stafford, Stevenson, Tannehill, Test, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. J., Berry, Carr, Chamberlain, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hackett, Hanna, Hargrove, Harris, McCord, Nave, Nickel, Riley, Thompson and Watts—22.

So the motion to suspend the rule did not prevail, and said bill was ordered to a second reading to-morrow.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills and joint resolutions thereof:

No. 326, an act to incorporate the Marion and Wabash Turnpike company;

No. 328, an act to incorporate the town of Connersville;

No. 344, a joint resolution in relation to the Historical Society of the State of New York;

No. 346, an act to declare Mud creek and the Mill Fork of Eel river public highways for certain purposes therein named;

No. 347, a joint resolution suspending the 5th section of an act passed the present session of the General Assembly, entitled an act for the relief of the Miami and other Indians;

No. 348, an act to change certain state roads therein named;

No. 349, an act to repeal an act entitled an act regulating the jurisdiction of justices of the peace in the county of Hamilton, approved Feb. 18, 1840;

No. 352, an act to locate and change the name of certain roads therein named;

No. 61, an act to authorize the payment of contractors on the Wabash and Erie canal east of the mouth of Tippecanoe river;

In which the concurrence of the Senate is respectfully requested.

The House has concurred in the 1st, 2d, 4th, and 6th amendments of the Senate to bill of the House,

No. 167, to revise and amend an act incorporating congressional townships and providing for common schools therein, approved Feb. 17, 1838;

And in the 3d and 5th amendments with an amendment to each; in which I am directed to ask the concurrence of the Senate.

Bills numbered 346, 347, 348, 349, and 352, of the message were severally read a first, second, and third times, the rule having been suspended, and passed.

Bill No. 326, of the above message, was read a first time and ordered to a second reading to-morrow.

Bill No. 328, of the message, was twice read and referred to the committee on corporations.

Bill No. 344, of the message, was read a first and second times.

Mr. Eggleston moved to amend said bill by striking out the words "the revised code;"

Which did not prevail.

And said bill was ordered to a third reading to-morrow.

The amendments of the House to bill No. 167, named in the above message, were concurred in.

Bill No. 61, named in the above message, was read a first time and passed to a second reading.

The following message was received from the House of Representatives by Mr. Brenton, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill thereof,

No. 324, entitled a bill for the relief of Thomas Nichols;

In which the concurrence of the Senate is respectfully requested.

No. 324, the bill referred to in the above message, was twice read and referred to the committee on corporations.

The consideration of bill No. 227, supplemental to an act subjecting real and personal estate to execution, approved February 4th, 1831, which was pending at the last adjournment, was resumed.

The question pending was on the amendment proposed by Mr. Carnan;

And on the question, shall said amendment be adopted?

The ayes and noes were ordered by Messrs. Test and Dobson,

Those who voted in the affirmative were,

Messrs. Arion, Beard of Montgomery, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Herriott, McCord, Mount, Parker, Riley, Roberts, Test, Thompson, Watts and Williams—19.

Those who voted in the negative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Bell, Berry, Carr, Chamberlain, Dobson, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, Moffatt, Morgan, Nave, Nickel, Stafford, Stevenson, Tannehill and Wright—27.

So said amendment was not adopted.

Mr. Eggleston moved to amend said bill by striking it out from its enacting clause and inserting the following:

Sec. 1. That whenever any land or other real estate shall have been or may be sold on execution under any judgment or decree, it shall be lawful for the owner of such real estate, his heirs, executors or administrators to redeem the same at any time within twelve months from the day of sale, by paying into the clerk's office from which such execution may have issued, the full amount of the purchase money for which such real estate was sold on said execution with interest thereon at the rate of ten per cent. per year.

Sec. 2. That whenever such sale may be made as aforesaid, all junior incumbrancers on the land so sold, by judgment, mortgage, or other deed of conveyance bona fide made before the day of sale, shall have the right to redeem any real estate sold as aforesaid, in the same manner the execution defendant might have redeemed, at any time within thirty days after the expiration of said twelve months.

This act to be in force from and after its passage.

A division of the question being called for;

The question was put on striking out;

The ayes and noes being demanded thereon by Messrs. Dobson and Baird of St. J.,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Eggleston, Elliott, Hackett, Hargrove, McCord, Mofatt, Morgan, Mount, Nave, Parker, Riley, Roberts, Test, Thompson, Watts and Williams—25.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. Joseph, Beard of Montgomery, Bell, Chamberlain, Dobson, Everts, Ewing, Foster, Hanna, Harris, Herriott, Hoover, Kinzer, Lowe, Nickel, Stafford, Stevenson, Tannehill and Wright—12.

So the motion to strike out prevailed.

The question was then put on inserting the amendment proposed by Mr. Eggleston,

And decided in the affirmative.

Mr. Clark moved to amend said bill as follows:

"That whenever any judgment debtor is not able or neglects to take the stay, as provided in the laws now in force, his, her, or their property shall be sold on the same credit for which he might have taken the stay; and in such case the officer making sale shall take bond with security from the purchaser, which shall have the effect of a judgment, and execution may issue upon the same as in other cases, and no stay shall be allowed thereon. Said bonds, taken as aforesaid, shall be filed by the officer taking the same, with the clerk or justice issuing the execution, at the same time of returning the execution: *Provided*, That the provisions of this act shall not extend to any bank, corporation, or savings institution.

Said amendment was adopted.

Mr. Ewing moved to amend said bill as follows:

Said real estate shall not be sold for less than one half its value, as appraised by the proper assessor of the county where said property may be situated;

Which did not prevail.

Mr. Hoover moved to amend by adding the following section:

Sec. . That all real estate shall be sold or offered for sale, at the door of the court house, or the place where courts are holden, in the county where the same may be situate; and *provided*, that no property either real or personal, shall be sold, unless there shall be three or more bidders present at such sale, and have an opportunity of bidding for the same.

Said amendment was adopted.

On motion of Mr. Eggleston, said bill was further amended as follows:

That in all cases where lands shall have been redeemed under the provisions of this act, entry thereof shall be made by the clerk on the order book of the circuit court and in the Recorder's office where the Sheriff's deed may have been recorded; for which service he shall receive the sum of fifty cents from the person so redeeming.

On motion of Mr. Cravens, the amendments were considered engrossed, the rule suspended, and the bill was read a third time.

And on the question, shall said bill pass?

The ayes and noes being demanded thereon by Messrs. Harris and Carnan,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. J., Beard of M., Bell, Blair, Carnan, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hanna, Hargrove, Herriott, McCord, Morgan, Mount, Nave, Parker, Roberts, Stafford, Stevenson, Tannehill, Test, Watts, and Williams—29.

Those who voted in the negative were,

Messrs. Aker, Arion, Berry, Carr, Clark, Foster, Hackett, Harris, Hoover, Kinzer, Lowe, Nickel, Riley, and Thompson—14.

So said bill passed.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Bill No. 98 of the House, regulating the taking up of animals going astray, and water craft and other articles of value adrift; which had been reported back from a select committee, to which it had been referred, with an amendment, came up in order.

The report was concurred in;

And on motion of Mr. Armstrong, the rule was suspended, and the bill read a third time and passed.

Mr. Baird of St. J., from a select committee, made the following report:

Mr. President—

The select committee to whom was referred bill No. 134, entitled an engrossed bill to amend an act entitled an act relative to crime and punishment, approved, February 10, 1831, have had the same under consideration, and made two amendments thereto: In the second section, strike out so much as relates to the forfeiture of the items of property therein named; and insert "that he, she, or they shall be fined not less than five, nor more than one hundred dollars, for the use of the proper county seminary."

And in the 3d section, commencing in the 5th line from the bottom, strike out all of the proviso.

These amendments being made, your committee recommend the passage of the bill.

The report was concurred in.

On motion of Mr. Ewing, said bill was amended by striking out "one mile and a half" and inserting "one mile."

On motion of Mr. Angle, said bill was further amended by striking out so much as relates to allowing persons having control of camp meeting grounds, to give permits to vend certain articles.

Mr. Harris moved to re-consider the vote taken on the above amendment;

Which did not prevail.

Mr. Nave moved to amend said bill by striking out all of the articles prohibited from being sold, except spiritous liquors;

Which was not agreed to.

And the rule being suspended, said bill was read a third time.

And the question being put, shall said bill pass?

The ayes and noes being ordered by Messrs. Elliott and Test,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Blair, Carnan, Carr, Collins, Cravens, Dobson, Everts, Ewing, Foster, Hackett, Hanna, Harris, Herriott, Hoover, Kinzer, McCord, Mount, Parker, Roberts, Tannehill, Test, Thompson, and Williams—29.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Clark, Elliott, Hargrove, Lowe, Moffatt, Morgan, Nave, Nickel, Riley, Stafford, Watts, and Wright—14.
So said bill passed.

Mr. Moffatt, from a select committee, made the following report:

Mr. President—

The select committee to whom was referred an act to amend an act entitled an act to amend an act to provide for draining Lost Creek in Vigo county, have had the same under consideration, have made one

amendment thereto, in which they ask the concurrence of the Senate.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Angle made the following report:

Mr. President—

The select committee to whom was referred the petition of Michael Witt and others praying the repeal of an act to incorporate the town of Lebanon in the county of Boone, have had that subject under consideration, and have directed me to report a bill pursuant to the prayer of said petitioners.

Bill No. 154, to repeal an act to incorporate the town of Lebanon in the county of Boone, was read three several times, the rule being suspended, and passed.

Mr. Everts from a select committee, made the following report:

Mr. President:

The select committee to whom was referred a memorial of the citizens of Michigan City on the subject of the charter of said city, have had that subject under their consideration, and have directed me to report the following revised bill of said charter, and recommend its passage.

Bill No. 155, amendatory to the charter of Michigan City, was read thrice, and referred to the committee on corporations.

Mr. Stevenson made the following report:

Mr. President—

The select committee to which was referred the bill for the formation of a new county, have had the same under consideration, and, with the following amendments, recommend the passage of the same: Fourth line from bottom of first page, strike out "twelve" and insert "eleven," add to the end of bill the amendment marked A.

Mr. Baird of St. Joseph, moved to lay the report and bill on the table.

The ayes and noes being ordered by Messrs. Baird and Angle,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of Mont., Carnan, Collins, Cravens, Dobson, Foster, Herriott, Hoover, Kinzer, McCord, Morgan, Nickel, Parker, Test, Watts, and Williams—19.

Those who voted in the negative were,

Messrs. Aker, Bell, Berry, Blair, Carr, Chamberlain, Clark, Elliott,
69 S

Ewing, Hackett, Hanna, Hargrove, Harris, Lowe, Stafford, Stevenson, Tannehill, and Thompson—18.

So said motion prevailed.

Mr. Herriott made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the House of Representatives, No. 208, entitled, a bill to amend an act, entitled an act to fix the times of holding the courts in the 5th judicial circuit, approved January 30, 1840, have had the same under their consideration, and have directed me to report, that legislation on that subject is uncalled for at this time, by the citizens of the counties of Bartholomew, Johnson, Morgan, and Hendricks, and therefore your committee recommend the indefinite postponement of said bill.

The report was concurred in and said bill indefinitely postponed.

Mr. Ewing made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the Senate, No. 131, have had the same under consideration, and have instructed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Chamberlain made the following report:

MR. PRESIDENT—

The select committee to whom was referred sundry remonstrances against the consolidation of the counties of Noble and Lagrange, have directed me to report, that inasmuch as no petitions have been presented on the subject to which the remonstrances relate, they deem legislation on said subject as inexpedient, and ask to be discharged from the further consideration thereof.

The report was concurred in.

Mr. Thompson made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the House, No. 158, entitled a bill fixing the time of holding circuit courts, in the 4th judicial circuit, have directed it to be reported without amendment, and recommend its passage.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Watts made the following report:

MR. PRESIDENT—

The select committee to which was referred bill No. 233, of the House, to repeal a certain act therein named, approved Feb. 5, 1839, have had the same under consideration, and have directed me to report the same to the Senate without amendment, and recommend its passage.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Watts made the following report:

MR. PRESIDENT—

The select committee to whom was referred bill of the House of Representatives, entitled, No. 251, an act to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes, have had the same under consideration and have instructed me to report, that the 1st, 2d, and 3d sections of the bill provides for the extension of time to all purchasers of school lands in Randolph county, for the term of five years on the payment of the annual interest thereon. The committee are under the impression that instructions passed the Senate, requiring the committee to so amend the bill as to make the provisions of the act general: these instructions, however, if they were adopted by the Senate, have not reached the committee. On inquiry, the committee have ascertained that a general law has already passed this General Assembly, and has been approved by his Excellency the Governor, to extend the time of payment to all purchasers of school lands for the term of two years. They therefore, conceive that it would not be prudent or wise, to make the provisions of the first three sections of this act general. And as the provisions of the act above referred to, extend as well to the county of Randolph as to all other counties in the State, the committee know of no good reason why this provision should pass, extending to that county.

The fourth section of the bill, authorizes the purchasers of school lands in Randolph county, which have become forfeited for the non-payment of the residue of the principal or the annual interest, to redeem the same from forfeiture and sale, at any time before the first of September next, on the payment of such principal or interest, without the forfeitures and penalties to which the same may be liable. This provision of the bill is intended to meet a number of cases of forfeiture in Randolph county for the non-payment of the annual interest as appears from the school commissioner's book, and which occurred several years since; and in which cases it is believed the interest was punctually paid, but, owing to the neglect of the then school commissioner, was never credited.

The substance of this provision, under these circumstances, the committee think should be adopted as an act of justice, but believe it would be improper and highly injurious to the interest of this fund to extend it to all forfeitures in the State. The wording of this sec-

tion is in some respects exceptionable; and the committee have therefore instructed me to report it back, with an amendment, by striking it out from the enacting clause, and inserting a substitute herewith reported: Also, to amend the title, by striking it out and inserting the following: "An act to authorize the purchasers of school lands in Randolph county, to redeem the same from forfeiture."

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Aker made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of James Jones and others, of Delaware county, praying the repeal of an act relative to a State road in said county, have had the same under consideration, and have instructed me to report the following bill in accordance with the prayer of said petitioners, and recommend its passage.

Bill No. 156, to repeal an act therein named, relative to a State road in Delaware county, was read three several times, the rule being suspended, and passed.

Mr. Harris made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of sundry citizens of Carroll county, praying for a repeal of the law requiring debtors to be sued in the township in which they reside, so far as the provisions of said law extend to that county, have had the same under their consideration, and directed me to make the following report:

Your committee are aware that the just claims of creditors are frequently delayed or lost, and great inconvenience and expenses incurred in the collection of debts under the existing law; but the committee are of opinion that more serious and extensive difficulties would be originated by the repeal for which the petitioners pray. If the object of the law were the advancement of the interests of the *creditor*, without reference to those of the *debtor*, your committee could readily recommend some legislative action, in compliance with the prayer of the petitioners; but believing that its operation ought not thus to be confined, that those who *defend* should be entitled to equal privileges in our courts of justice with those who *complain*, and that by repealing the law referred to in the petition, an advantage would be given to the creditor which might be used to the vexation and oppression of the debtor, the committee have come to the conclusion that a just regard for the welfare of the community as a *whole*, requires them to report it inexpedient to grant the prayer of the petitioners. They therefore ask to be discharged from the further consideration of the petition.

The report was concurred in and the committee accordingly discharged.

Mr. Chamberlain made the following report:

MR. PRESIDENT—

The select committee to whom was referred a petition of sundry citizens of Elkhart county, praying for a law to abolish imprisonment for debt, have had that subject under consideration, and have directed me to report the following resolution, and ask the concurrence of the Senate therein, to-wit:

Resolved, That a select committee be appointed, with instructions to report to the Senate a bill to abolish all imprisonment for debt. And, also, to provide that no *capias* shall authorize the detention of the body of any defendant for other purpose, than to require him to answer under oath, as to the amount and condition of his property and liabilities. And also, to provide that all property of the defendant, shall be liable to be seized and taken on the first process that issues against such defendant, whether the same be a summons, or a *capias*. And also, to make such other provisions, as the details of a bill upon the above principles may require.

On motion of Mr. Hanna, said report was laid on the table.

Mr. Angle made the following report:

MR. PRESIDENT:

The select committee to whom was referred a bill, No. 57, for the improvement of the Michigan road, have had that subject under their consideration, and have directed me to report the same back to the Senate, with an amendment, and ask the concurrence of the Senate therein, to-wit:

Strike out the bill from the enacting clause, and insert the following:

The report was concurred in and said bill ordered to a third reading to-morrow.

Mr. Nave made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate, No. 137, entitled "a bill more effectually to secure the purity of elections," have according to order, had the same under their consideration and have instructed me to report the same back to the Senate without an amendment and recommend its passage.

The report was concurred in and the rule being suspended, said bill was read a third time and passed.

Mr. Nave made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate, No. 111, entitled "a bill to prevent frauds in elections have, according to order, had the same under their consideration and have directed to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in, and said bill indefinitely postponed.

Mr. Hanna made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of George Tomlinson and others, asking the formation of a new school district in Marion county, have had that subject under their consideration and have directed me to report, that there is a provision in the school law enacted the present session that will afford the relief asked for by the petitioners.

The report was concurred in.

Mr. Berry made the following report:

MR. PRESIDENT—

The select committee to whom was referred a petition of sundry citizens of Monroe county, relative to a certain State road therein named, have had that subject under consideration, and in consequence of said petitioners not complying with the requisition of the 14th section of an act "amendatory to an act, relating to public roads and highways," approved Feb. 24, 1840, a majority of said committee deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

The report was concurred in and the committee accordingly discharged.

Mr. Clark made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill to amend an act entitled an act relating to county seminaries, have had the same under consideration, and have directed me to report it back with one amendment: add the following three additional sections, with which amendment they recommend its passage.

The report was concurred in and the rule being suspended, said bill was read a third time and passed.

On motion of Mr. Ewing,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of making the following amendment to an act subjecting real and personal estate to execution, approved Feb. 4th, 1831, as follows:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That no awards of any writ or writs of execution shall be made against the real estate of any decedent, as provided for by the 24th section of the act to which this is an amendment, if proceedings shall have been instituted by the representative or representatives of such decedent in the proper probate court, for the sale of real estate of such decedent, as provided for in the act entitled, an act to organize probate courts, and defining the powers and duties of executors and administrators and guardians, approved Feb. 17, 1838, any law or usage to the contrary notwithstanding; and that in all cases here any petition or petitions may have been filed for the purpose of procuring an award of execution, as authorized by said 24th section of said act; and the defendant or defendants named therein, or any or either of them can show that such proceedings for the sale of real estate have been instituted as aforesaid since the filing of said petition or petitions, such petition or petitions shall be dismissed at the cost of such defendant or defendants; that this act is declared to be cumulative, and shall not deprive the defendant or defendants of any defence heretofore given them by said 24th section of the act heretofore mentioned.

This act to take effect and be in force from and after its passage and publication in the Indiana Journal.

Mr. Everts introduced bill No. 157 to incorporate the Washington Band of Laporte;

Which was read three several times, the rule being suspended, and passed.

Mr. Berry introduced bill No. 158, to amend an act to incorporate the Indiana Manufacturing Company, approved Jan. 20, 1841,

Which was read three several times, the rule being suspended, and passed.

On motion of Mr. Foster, bill No. 48, of the House, to authorize the sale of certain school lands in the county of Jay,

Was taken from the table, read a third time and passed.

Mr. Carr introduced bill No. 159, for the relief of the collector of Scott county, for the years 1834 and 1835,

Which was read three several times, the rule being suspended, and passed.

Mr. Ewing introduced joint resolution, No. 160, supplemental to an act pointing out the mode of levying taxes,

Which was read twice, and passed to a second reading on to-morrow.

Mr. Tannehill introduced bill No. 161, to provide for the further construction of the Madison and Indianapolis Rail Road,

Which was twice read, and

On motion of Mr. Arion, laid on the table.

Mr. Cravens, from the committee on finance, made the following report:

Mr. PRESIDENT :

The standing committee on finance, to which was referred a resolution of the Senate directing said committee to inquire into the expediency of authorizing the owners of the lands mortgaged by the stockholders of the Lawrenceburgh and Indianapolis Rail Road Company to make sale of a portion of said lands, &c. have had the same under consideration, and have graciously given me permission to report a bill for the relief of said stockholders, but would not agree to a recommendation of its passage. It seems to me, however, that no reasonable man could object to the passage of this bill.

Bill No. 162, for the relief of certain stockholders in the Lawrenceburgh and Indianapolis Rail Road Company;

Which was twice read.

Mr. Cravens moved to suspend the rule and read said bill a third time now;

Which did not prevail.

And on the question, shall said bill be engrossed and read a third time to-morrow?

The ayes and noes being demanded by Messrs. Cravens and Ewing,

Those who voted in the affirmative were,

Messrs. Angle, Baird of St. Joseph, Bell, Clark, Cravens, Ewing, Harris, Morgan, Test, Watts and Williams—11.

Those who voted in the negative were,

Messrs. Aker, Arion, Armstrong, Beard of Montgomery, Berry, Carnan, Carr, Chamberlain, Collins, Dobson, Eggleston, Elliott, Everts, Foster, Hackett, Hanna, Hargrove, Hoover, Lowe, McCord, Moffatt, Nave, Parker, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, and Wright—30.

So said bill was lost on engrossment.

Mr. Cravens made the following report:

Mr. PRESIDENT—

The select committee on the subject of classifying the public works, to whom was referred a joint resolution of the House of Representatives, No. 229, entitled a joint resolution providing for a correspondence between the Executives of Indiana and Ohio in reference to the completion of the Wabash and Erie Canal, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in.

Mr. Ewing moved to lay said joint resolution on the table;

Which did not prevail.

Mr. Ewing moved to amend said joint resolution, as follows:

That a commissioner, in lieu of a superintendent of the eastern

division of said canal shall be appointed by the Governor, by and with the advice and consent of the Senate, to be commissioner of the Wabash and Erie Canal, who shall take an oath of office, and give bond to the satisfaction of the Governor for the faithful performance of his duty, and shall reside on the eastern division of said canal; and it shall be his duty to go as often as once a week and personally inspect the St. Josephs feeder dam, to see to the preservation thereof; his term of service to be for three years from and after his appointment, and thereafter until his successor is appointed and qualified, and to receive three dollars per day, for each day of actual service, not to exceed one thousand dollars per annum, to be paid out of the proceeds of said canal lands, and shall be subject to removal by joint resolution of the General Assembly.

It shall be the duty of the commissioner of the Wabash and Erie Canal, to have an interview with the board of public works of Ohio without delay, and urge upon their consideration the adoption of such measures as are recommended by the Chief Engineer of this State, to secure a final completion and opening of navigation of said Wabash and Erie Canal in both States by March 1842, to negotiate with them in relation to a supply of water and other matters affecting the interest of both States, as suggested in said Chief Engineer's report and correspondence.

Said amendment was not adopted.

And the rule being suspended, said joint resolution was read a third time and passed.

Mr. Collins, from the judiciary committee, made the following report:

Mr. PRESIDENT ;

The judiciary committee, to which was referred bill of the House of Representatives, No. 275, entitled a bill for the relief Andrew Wilson, have according to order, had the same under consideration, and have directed me to report the same back to the Senate with one amendment, which is to strike it out from its enacting clause and inserting the substitute herewith submitted, and to recommend the passage of the bill when so amended.

On motion of Mr. Baird of St. Joseph,

Said bill was re-committed a select committee of Messrs. Baird of St. Joseph, Wright, and Collins.

Mr. Baird of St. J. made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the Senate, No. 147, entitled a bill in relation to work done and to be done on the Wabash and Erie Canal, with the following instructions, to call before them the board of internal improvement and ascertain the necessity or expediency of the passage of the

bill, if there be any, have had the same under faithful examination. Your committee in pursuance of said instructions called before them, Noah Noble and interrogated him in relation to the whole bill aforesaid. After full consideration your committee arrived at the following conclusions:

First, that there is no necessity for said special commissioner as contemplated in said bill at an annual salary of one thousand dollars per annum. They therefore recommend the bill to be amended by striking out the fourth and fifth sections of said bill.

Secondly, The committee recommend an amendment in the ninth line of the 3d section after the word thereof, these words: "Should the Board of Internal Improvement deem it expedient, and for the best interests of the State."

Thirdly, Your committee recommend an additional section, which is the following:

Sec. This act shall take effect and be in force from and after its passage.

With these amendments, your committee recommend the passage of the bill.

The report was concurred in, and the rule being suspended, said bill was read a third time.

And, on the question, shall said bill pass?

The ayes and noes were demanded thereon by Messrs. Parker and Riley,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. Joseph, Blair, Chamberlain, Collins, Dobson, Ewing, Foster, Hanna, Harris, Hoover, Williams and Wright—13.

Those who voted in the negative were,

Messrs. Aker, Armstrong, Berry, Cravens, Carr, Elliott, Eggleston, Everts, Hackett, Hargrove, Lowe, McCord, Morgan, Mount, Nave, Nickel, Parker, Riley, Stafford, Stevenson, Tannehill, Thompson and Watts—23.

So said bill was lost.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have compared the following enrolled bills of the House of Representatives with the engrossed bills thereof, to-wit:

No. 97, an act to incorporate the Maumee and Wabash canal company;

No. 99, an act to prevent speculation by collectors in treasury notes, and other moneys;

No. 173, an act to incorporate the trustees of the Daviess county seminary;

No. 274, an act to incorporate the Philalethean society in Jefferson county;

No. 299, an act to amend an act to incorporate the town of Jeffersonville, approved February 22, 1840.

Also, the following enrolled with the engrossed bills of the Senate, to wit:

No. 25, an act to amend an act, entitled "an act subjecting real and personal estate to execution," approved February 4, 1831;

No. 87, an act for the relief of Orson Williard;

No. 92, an act to amend an act amendatory to an act, entitled "an act concerning seminary townships of land in Gibson and Monroe counties," approved January 25, 1837;

No. 93, an act to regulate the time of holding circuit courts within the second judicial circuit of the State of Indiana;

No. 97, an act concerning the late Mayor of the town of Lafayette, in the county of Tippecanoe;

No. 101, an act to amend the act entitled "an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany, approved Feb. 14th, 1839;

No. 123, an act to amend an act entitled "an act to incorporate the Delphi insurance company," approved February 4th, 1837;

No. 125, an act to amend an act incorporating Congressional townships, and providing for public schools therein, approved Feb. 7, 1838;

No. 141, an act to incorporate the Liberty Band;

And have found the same correctly enrolled.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills of the Senate, No. 25, to amend an act subjecting real and personal estate to execution.

No. 87, for the relief of Orson Williard.

No. 92, to amend an act amendatory to an act concerning the seminary townships of land in Gibson and Monroe counties, approved January 25, 1837; approved Feb. 24, 1840.

No. 93, regulating the times of holding circuit courts in the several counties of the second judicial circuit, within the State of Indiana.

No. 97, concerning the late mayor of the town of Lafayette, in Tippecanoe county.

No. 101, to amend an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany, approved February 14, 1839.

No. 123, to amend an act to incorporate the Delphi insurance company, approved February 4, 1837.

No. 125, to amend an act incorporating congressional townships, and providing for public schools therein, approved February 17, 1838.

No. 141, to incorporate the Liberty Band.

Also, the following enrolled bills of the House:

No. 97, to incorporate the Maumee and Wabash canal company.

No. 99, to prevent speculation by collectors in treasury notes and other monies.

No. 173, to incorporate the trustees of the Daviess county seminary.

No. 256, for the relief of the heirs of John Sawyer, deceased.

No. 274, to incorporate the Philolethean Society, in Jefferson county.

No. 299, to amend an act to amend an act to incorporate the town of Jeffersonville, approved February 22d, 1840.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

Mr. Williams made the following report:

The joint committee on enrolled bills report, that they have compared the following enrolled bills of the Senate with the engrossed, and find the same truly enrolled, to wit:

No. 98, an act relative to the surplus revenue of the United States allotted to Carroll county.

No. 143, an act to incorporate the Michigan city manufacturing company.

No. 149, an act to amend the charter of the borough of Vincennes.

A message from the House of Representatives, by a member:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills of the Senate:

No. 98, relative to the surplus revenue of the United States allotted to Carroll county,

No. 143, to incorporate the Michigan city manufacturing company,

No. 149, to amend the charter of the borough of Vincennes,

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

Mr. Williams made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have presented to his Excellency the Governor for his approval and signature, bills of the Senate, as follows to-wit:

No. 98, an act relative to the surplus revenue of the United States allotted to Carroll county.

No. 143, an act to incorporate the Michigan city manufacturing company.

No. 149, an act to amend the charter of the borough of Vincennes.

The following message was received from the Governor by Mr. Moore, his Private Secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that on yesterday he approved and signed

An act to amend an act relative to crime and punishment, approved February 10, 1831,

An act for the relief of David Stiver,

Which originated in the Senate.

On motion, the Senate adjourned.

WEDNESDAY MORNING, FEBRUARY 10, 1841.

The Senate assembled.

On motion of Mr. Stevenson;

The Senate resolved itself into a committee of the whole on the bill of the House of Representatives, levying a tax for State and Internal Improvement purposes, Mr. Berry in the chair,

After considering said bill in committee, the committee rose, and the chairman reported the bill back without amendment, and recommended its passage.

Mr. Chamberlain moved to recommit said bill to the committee on finance, with the following instructions:

To ascertain the amount of tax requisite to meet the annual interest on the three hundred thousand dollars of State bonds, obtained by the Morris Canal and Banking Company from the State of Indiana by fraud, and to report such an amendment to the bill, as will exempt the people of this State from any tax for the payment of interest on said bonds.

And the ayes and noes being ordered by Messrs. Chamberlain and Thompson,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. J., Bell, Carr, Chamberlain, Dobson, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, Nave, Nickel, Roberts, Thompson and Watts—19.

Those who voted in the negative were,

Messrs. Angle, Arion, Beard of M., Berry, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Herriott, Hoover, Mc-

Cord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Stevenson, Tannehill, Test, Williams and Wright—26.

So said amendment was not adopted.

Mr. Lowe moved to amend said bill by striking out "75" poll tax, and insert "50."

A division of the question being called for,

The question was on striking out.

Mr. Dobson moved to postpone the further consideration of said bill till Friday next, at 2 o'clock, P. M.;

Which did not prevail.

And the question then recurring on the motion of Mr. Lowe,

The ayes and noes being ordered thereon by Messrs. Lowe and Carr,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Foster, Hackett, Harris, Kinzer, Lowe, Nickel, Roberts and Wright—12.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Mont., Bell, Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hanna, Hargrove, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Tannehill, Test, Thompson, Watts and Williams—34.

So said motion did not prevail.

Mr. Ewing moved to amend said bill by striking out "forty" and inserting "thirty."

A division of the question being called for,

The question was put on striking out;

The ayes and noes being ordered by Messrs. Ewing and Armstrong,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Bell, Berry, Carr, Chamberlain, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Kinzer, Nave, Nickel, Thompson, Watts and Wright—19.

Those who voted in the negative were,

Messrs. Aker, Arion, Beard of Mont., Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Herriott, Hoover, McCord, Lowe, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Stevenson, Tannehill, Test and Williams—26.

So the motion to strike out did not prevail.

Mr. Nickel moved to amend said bill, as follows:

Provided, however, that the county of Shelby shall not be compelled to levy upon her citizens a greater amount of revenue, than in proportion to the representation allowed her in the General Assembly, by the provisions of the apportionment bill.

Mr. Eggleston moved the previous question.

Mr. Armstrong moved to lay the bill and pending amendment on the table.

The ayes and noes being ordered thereon, by Messrs. Harris and Armstrong,

Those who voted in the affirmative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Carr, Chamberlain, Dobson, Ewing, Foster, Hackett, Harris, Thompson, Watts and Wright—13.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Hanna, Hargrove, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Nickel, Parker, Riley, Stafford, Stevenson, Tannehill, Test and Williams—32.

So said motion did not prevail.

The question then recurred on the call for the previous question,

And on the question, will the Senate sustain the call for the previous question?

The ayes and noes being ordered thereon by Messrs. Chamberlain and Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of M., Bell, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Stevenson, Tannehill, Test, Thompson and Williams—28.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Berry, Carr, Chamberlain, Dobson, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nave, Nickel, Watts and Wright—17.

So the call for the previous question was sustained.

And on the question, shall the main question be now put?

It was decided in the affirmative.

And the main question being, shall said bill be engrossed and read a third time to-morrow?"

The ayes and noes being ordered thereon by Messrs. Armstrong and Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Montgomery, Bell, Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Stevenson, Tannehill, Test, Thompson and Williams—29.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Berry, Carr, Chamberlain, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nave, Nickel, Watts and Wright—16.

So said bill was ordered to be engrossed and read a third time tomorrow.

The following message was received from the House of Representatives by Mr. Defrees, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that they have passed an engrossed bill thereof, numbered 356, entitled an act to incorporate the Portage Bridge Company, and the concurrence therein of the Senate is requested.

No. 356, the bill referred to in the above message, was twice read and referred to the committee on corporations.

Mr. Elliott, leave being granted, introduced bill, No. 162, to provide for the payment of the interest on the public debt of the State of Indiana, and for the redemption of the Treasury Notes of the State; Which was read a first and second times.

Mr. Chamberlain moved to refer said bill to the committee on finance,

Which did not prevail;

And the rule being suspended, said bill was read a third time.

The question being put, shall said bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of Mont., Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Ewing, Hanna, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Stevenson, Tannehill, Thompson, Test, Watts, and Williams—28.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. Joseph, Berry, Blair, Carr, Chamberlain, Foster, Hackett, Harris, Kinzer, Lowe, Nave, Nickel, and Wright—14.

So said bill passed.

Mr. Chamberlain moved to suspend all previous orders of the Senate, and take up bill No. 142, to amend an act entitled, an act to dissolve the present Board of Internal Improvements, the Board of Fund Commissioners, and the Engineer Department, approved, February 24, 1840.

The ayes and noes being ordered thereon by Messrs. Chamberlain and Harris,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Berry, Carnan, Carr, Chamberlain, Collins, Cravens, Dobson, Eggleston, Ewing, Foster, Hackett, Harris, Kinzer, Lowe, McCord, Nave, Nickel, Riley, Thompson, and Watts—22.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. Joseph, Beard of Montgomery, Blair, Elliott, Everts, Hanna, Hoover, Morgan, Mount, Parker, Stafford, Tannehill, and Williams—15.

So said bill was taken up.

Mr. Beard of M., moved to refer said bill to the committee on finance.

The ayes and noes being ordered thereon by Messrs. Chamberlain and Kinzer,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Hoover, McCord, Morgan, Mount, Nave, Parker, Riley, Stafford, Stevenson, Tannehill, Test, Watts, Williams, and Wright—28.

Those who voted in the negative were,

Messrs. Armstrong, Baird of St. J., Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nickel, and Thompson—14.

So said motion prevailed.

On motion, the Senate adjourned.

2 o'clock. P. M.

The Senate assembled.

Mr. Collins, leave being granted, reported back to the Senate without amendment, and recommended its passage, bill No. 275 of the House, for the relief of Andrew Wilson, from a select committee to which it had been referred.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

ORDERS OF THE DAY.

Bill No. 57 of the Senate, to provide for the improvement of the Michigan road, was read a third time and passed.

Bill No. 61 of the House, an act to authorize the payment of contractors on the Wabash and Erie Canal, was read a second and third times and passed.

No. 344 of the House, a joint resolution in relation to the Historical Society of New York, was read a third time and passed.

No. 160, a joint resolution in relation to an act pointing out the mode of levying taxes was read a second time, and referred to a select committee of Messrs. Elliott, Ewing, and Wright.

Bill No. 326, to incorporate the Miami and Wabash Turnpike Company, was twice read and referred to the committee on corporations.

The following message was received from the House of Representatives by Mr. Hager, their clerk;

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment of the Senate to bill of the House No. 259, to secure the safety of the public funds, by requiring bonds of certain officers, with an amendment.

The House has also concurred in the amendment of the Senate to bill of the House No. 332, concerning petit jurors in certain counties therein named, with an amendment;

In which amendments the concurrence of the Senate is requested.

The House has also passed engrossed bills of the Senate, without amendment;

No. 153, an act to enable George G. Dunn, Guardian of minor heirs of Moses Fell, deceased, to convey certain real estate;

No. 154, an act to incorporate the Centre Church of Crawfordsville; also the following bill of the House:

No. 365, an act supplemental to an act fixing the times of holding circuit courts in the 8th judicial circuit;

In which the concurrence of the Senate is respectfully requested.

The amendments of the House to bills No. 259 and 332, of the above message, were concurred in.

Bill No. 365 of the above message, was read three several times, the rule having been suspended, and passed.

A message from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The House has passed an engrossed bill of the Senate No. 116, for the relief of Joseph H. Hendricks, with one amendment, in which I am directed to ask the concurrence of the Senate.

The House has also passed engrossed bills of the Senate without amendment, as follows:

No. 151, an act changing the name of William Wallace;

No. 244, an act to fix the time of holding the courts in the sixth judicial circuit;

Also, the following engrossed bills of the House:

No. 312, an act to incorporate the Hagerstown Canal Company;

No. 314, an act relative to lands returned to the school commissioner of Laporte county;

No. 341, an act to incorporate the Lagro and Manchester Turnpike Company;

In which the concurrence of the Senate is respectfully requested.

On motion of Mr. Morgan, the Senate disagreed to the Amendments of the House to bill No. 116, in the above message.

Bills No. 341 and 312 in the above message, were twice read and referred to the committee on corporations.

Bill No. 314 of the message, was read three several times, the rule being suspended, and passed.

The following message was received from the House of Representatives, by Mr. Dowling, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment of the Senate to bill of the House,

No. 227, an act supplemental to an act subjecting real and personal property to execution, approved, February 4, 1831, with two amendments,

In which the concurrence of the Senate is requested.

Mr. Eggleston moved that the Senate disagree to the amendments of the House to said bill.

The Ayes and noes being ordered thereon by Messrs. Aker and Harris,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Eggleston, Elliott, Hackett, Hargrove, Kinzer, Moord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Roberts, Stevenson, Test, Thompson, and Williams—26.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. J., Beard of M., Bell, Chamberlain, Dobson, Everts, Ewing, Foster, Hanna, Harris, Herriott, Hoover, Lowe, Nickel, Stafford, Tannehill, Watts, and Wright—20.

So said motion prevailed.

And on motion of Mr. Eggleston, a committee of free conference was appointed on the part of the Senate, on the disagreement.

Ordered, That Messrs. Eggleston and Carnan constitute said committee.

Mr. Nave from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred a bill of the Senate, numbered one hundred and fifty-five, entitled, a bill amendatory of the charter of Michigan City, have, according to order, had the same under consideration, and have made sundry amendments thereto, and have directed me to report the same with said amendments, back to the Senate, and ask its concurrence therein.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Morgan made the following report:

MR. PRESIDENT—

The standing committee on corporations, to which was referred an engrossed bill of the House, No. 194, to protect lands mortgaged to the state from forfeiture for the non-payment of corporation tax, have had the same under consideration and directed me to report the same back to the Senate and recommend its passage.

The report was concurred in and the rule being suspended, said bill was read a third time and passed.

Mr. Watts, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations, to which was referred the petition of Daniel Roberts and others, of Dearborn county, in relation to the state and county revenue, have had the same under consideration, and have directed me to report that as the subject matter prayed for in said petition has been acted on by the present legislature, that further legislation on said subject is unnecessary, and ask to be discharged from the further consideration of the same.

The report was concurred in and the committee accordingly discharged.

Mr. Watts made the following report:

MR. PRESIDENT—

The committee on corporations, to which was referred bill of the House, No. 306, to incorporate the Livonia Band of Musicians, have had the same under consideration and have directed me to report the same without amendment and recommend its passage.

The report was concurred in and the rule being suspended, said bill was read a third time and passed.

Mr. Parker, from the committee on corporations, made the following report:

MR. PRESIDENT—

The standing committee on corporations, agreeably to order, have had under consideration bill No. 328, of the House, entitled a bill to incorporate the town of Connerville, in the county of Fayette, and have directed me to report the same back with the following amendments and recommend its passage, to-wit:

Add to the 2d section the following:

The limits of said corporation shall be co-extensive with the several town plats which now are or which may hereafter be, duly recorded as a part of said town; and the powers of said President and Trustees shall extend over said limits and the commons adjacent thereto, and the grave-yard now commonly used in the vicinity thereof, on the north.

And to the 18th section annex the following proviso:

Provided, That the restrictions and provisions of the fifty-sixth section of the act relative to crime and punishment, approved February 10th, 1831, shall be taken as a part of this section; and any indictment for violating the provisions of this section, if it aver the offence to have been committed within the limits of said town, and that the town is incorporated, and in other respects it be a good indictment under said fifty-sixth section, then such indictment shall be deemed sufficient in this behalf.

The report was concurred in and the rule being suspended, said bill was read a third time and passed.

Mr. Angle made the following report:

MR. PRESIDENT—

The committee on corporations, to whom was referred a bill of the House of Representatives, No. 221, entitled an act (engrossed bill) to amend an act incorporating the Seminary in the county of Gibson and for other purposes, approved January 21st, 1826, so far as relates to the Orange county Seminary, have had that subject under their consideration and have directed me to report the same back to the Senate without amendment and recommend its passage.

The report was concurred in, and the rule having been suspended, said bill was read a third time and passed.

Mr. Carr made the following report:

MR. PRESIDENT:

The committee on corporations, to whom were referred a bill of the House of Representatives, No. 288, entitled a bill to incorporate

the Jonesborough Bridge company have, according to order, had the same under their consideration, and have directed me to report it back to the Senate without amendment and recommend its passage.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Carr made the following report:

MR. PRESIDENT—

The committee on corporations, to whom was referred a bill of the Senate, entitled a bill to incorporate the Indianapolis Band of Musicians, have had the same under consideration and have directed me to report the same to the Senate without amendment and recommend its passage.

The report was concurred in and the rule being suspended, said bill was read a third time and passed.

Mr. Eggleston, from the committee on corporations made the following report.

MR. PRESIDENT—

The committee on corporations, to whom was referred the engrossed bill of the House, entitled a bill to amend an act to incorporate the City of Richmond, in Wayne county, approved February 24, 1840, have had the same under consideration and deem the provisions of said bill obnoxious in every point of view and recommend its indefinite postponement.

The report was concurred in and said bill indefinitely postponed.

Mr. Eggleston made the following report:

MR. PRESIDENT—

The committee on corporations, to whom was referred an engrossed bill, to incorporate the Preachers' Aid Society, have had the same under consideration and have agreed to two amendments thereto, to-wit:

1st. In section 4th of said bill strike out the words "four hundred thousand" and insert in lieu thereof "one hundred thousand."

Same section, strike out "twenty-five thousand" and insert "five thousand;"

With which amendments they recommend its passage.

The report was concurred in.

Mr. Chamberlain moved to indefinitely postpone said bill;

Which did not prevail.

And the rule being suspended, said bill was read a third time and passed.

Mr. Clark moved to re-consider the vote taken on indefinitely postponing bill No. 295, to amend an act to incorporate the City of Richmond;

The ayes and noes being ordered by Messrs. Chamberlain and Nickel,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Beard of M., Blair, Carnan, Clark, Collins, Everts, Foster, Hackett, Herriott, Hoover, McCord, Morgan, Mount, Parker, Riley, Roberts, Test, Thompson, Williams and Wright—22.

Those who voted in the negative were,

Messrs. Angle, Baird of St. J., Berry, Carr, Chamberlain, Dobson, Eggleston, Hanna, Hargrove, Harris, Kinzer, Nave, Nickel, Stevenson and Watts—15.

So said motion prevailed.

And the question being taken on indefinitely postponing said bill,

It was decided in the negative.

And the rule being suspended, said bill was read a third time.

The question being put, shall said bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Beard of M., Blair, Carnan, Clark, Collins, Herriott, Hoover, Kinzer, Morgan, Mount, Parker, Riley, Roberts, Test, Williams and Wright—18.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Berry, Bell, Carr, Chamberlain, Dobson, Eggleston, Everts, Foster, Hackett, Harris, Lowe, McCord, Nave, Nickel, Tannehill and Watts—19.

So said bill was lost.

Mr. Carr, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred a bill of the House of Representatives, entitled, No. 287, a bill to incorporate the town of Cambridge City, Wayne county, Indiana, have according to order, had the same under their consideration, and have made

two amendments thereto; in which the concurrence of the Senate is requested:

1st amendment. To the 10th section, add the following proviso: *Provided*, That no tax for corporation purposes shall be levied or collected from persons residing without the limits of the town plat.

2d amendment. Insert the following additional section:

Sec. —. It shall be the duty of the President and Trustees to publish a copy of the by-laws and decrees of said corporation in some public newspaper in said county of Wayne, or by written copies thereof posted up in three of the most public places within said corporation.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Morgan made the following report:

MR. PRESIDENT:

The select committee to which was referred a petition from a number of citizens of Decatur county, praying the repeal of the 103 Sec. of the act regulating the jurisdiction of justices of the peace as far as Decatur county is concerned; and also, a remonstrance against said repeal have examined the same and find that the remonstrance contains forty names more than the petition, and directed me to report that legislation on the subject is unnecessary at this time and ask to be discharged from the further consideration thereof;

The report was concurred in and the committee accordingly discharged.

Mr. Thompson made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate, No. 99, entitled a bill relative to the duty of the agents of the Surplus revenue and for other purposes, have, after examining its provisions, instructed me to report it without amendment and recommend its passage.

The report was concurred in and said bill ordered to a third reading to-morrow.

Mr. Thompson made the following report:

MR. PRESIDENT:

The select committee to which was referred a bill of the House of Representatives, No. 168, entitled a bill to amend an act approved Feb. 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836, have, after duly examining its provisions in-

structed me to make one amendment to which the concurrence of the Senate is requested.

The report was concurred in.

Mr. Parker moved to amend said bill, by striking it out from its enacting clause and inserting the following:

SEC. 1. That in addition to the Sinking Fund, the Surplus revenue fund received by the State, the College fund, the Saline fund, and the State Bank school fund, shall be drawn in and vested in State Bank stock, in the name of, and for, the State, in the manner hereinafter prescribed.

SEC. 2. It shall be the duty of all the loaning agents of said funds, including the sinking fund, to pay over to the Branch of said Bank that may be deemed the most convenient, all monies now in the hands of any such agent or agents, or that may hereafter come into his or their hands without any unnecessary delay.

SEC. 3. It shall be the duty of each Branch of said Bank, into which any or any portion of said funds may be paid as aforesaid, to enter all such payments in the Books of such Branch to the credit of the State, and subject to the order of the Sinking fund Commissioners, keeping a separate account of each Fund.

SEC. 4. So fast as said funds may accumulate in any of said Branches, it shall be the duty of said Commissioners, to invest the same in Bank stock in the name of, and for, the State, either by increasing the stock of the branches already organized, or by the subscription of the same on the part of the state for the purpose of organizing the new Branches authorized to be organized, as to said Commissioners may seem most conducive to the interest of the State.

SEC. 5. It is hereby made the duty of said loaning agents to proceed immediately and collect all such sums belonging to any of said funds, including the sinking fund, that are now due and payable, or that may hereafter become due so soon as they become due.

Provided, however, That should any borrower of any of said funds, including the Sinking fund, desire further time to pay off the indebtedness that may be now, or may hereafter become payable, it shall be given such borrower, at bank interest, upon the conditions and in the manner following, to-wit: Said borrower shall procure from the proper loaning agent or agents, a certificate of the aggregate amount of his indebtedness to the particular fund, and shall then execute his note for such amount payable on or before the next succeeding first day of January, to the proper branch; which note the borrower shall procure to be endorsed to the acceptance of such branch, and upon the delivery of said note, accompanied with said certificate, the cashier of said branch shall give him a certificate of that fact, and upon filing said last named certificate with the proper loaning agent or agents, such agent or agents, shall give him a receipt in full for said amount of his indebtedness. And it shall be the duty of said branch to require said note to be renewed on each succeeding first day of January until the same is paid off, and at the time of any such renewal, the conditions of the renewal shall be that the borrower

pay one-fifth of the principal originally transferred as aforesaid, with the interest of the residue in advance, so that the whole principal sum shall be paid up within five years from the time of said transfer. *Provided, further,* that should any such agent or agents deem it unsafe to delay suit until any such borrower may return with the certificate showing that his indebtedness is duly transferred as aforesaid, it shall be his or their duty to commence suit immediately against such borrower, but the borrower shall still have the privilege of making the transfer of his indebtedness as aforesaid, at any time before judgment rendered, upon paying all costs that may have accrued. *Provided, further,* That if the board of directors of any such branch may deem that the security upon any note so as aforesaid given shall have become unsafe, it shall be the duty of such branch to immediately give notice of that fact to some one of the drawers or endorsers of such note, and if the same be not made secure within a reasonable time, such note shall be taken as due, be protested and sued upon without any unnecessary delay.

SEC. 6. The dividends arising from the state stock hereby created, together with the interest that may be received on the loaning of any of said funds, before the same is vested in bank stock, shall be set apart and duly appropriated to the purposes prescribed for the interest arising from said Funds, agreeably to the provisions of the laws now in force in this behalf, and shall be duly paid over by the proper branch upon legal demand made.

SEC. 7. That the privilege of issuing notes of a less denomination than five dollars, granted the bank by this General Assembly, be, and the same is hereby enlarged so as to run from the first day of January 1841, through a period of five years, and the trouble and responsibility of the State Bank in managing and collecting the funds herein provided for being converted into Bank stock, shall be deemed and taken as in full consideration of the one per cent. required to be paid by the Bank to the State on the amount of small notes which the Bank has been by this General Assembly authorized to issue, and nothing in said act authorizing the Bank to issue small notes, shall be so construed as to authorize the taxation of any Bank stock, which has not been heretofore subject to taxation.

SEC. 8. The existing agents for loaning the Surplus revenue in the several counties in this state shall be continued in office so long as their services may be needed; and whenever there may be now, or may be hereafter, a vacancy in said office in any county, it shall be the duty of the board doing county business to fill such vacancy; and all agents so appointed, shall be qualified to discharge their duties agreeably to the laws now in force before taking upon themselves to act as such agent; and such board may at any time, where they may deem that the interests of the state demand it, require any of said agents to give additional security, or dismiss any such agent from office, as may be deemed most expedient.

SEC. 9. This act shall be in force so soon as the State Bank shall be with the Secretary of state, official notice of her acceptance, in

the proper manner, of the provisions thereof, and it shall then be published in the Indiana Journal and Democrat.

Mr. Cravens moved to lay the bill and proposed amendment on the table,

The ayes and noes being ordered by Messrs Armstrong and Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of M. Bell, Blair, Carnan, Clark, Cravens, Eggleston, Elliott, Everts, Ewing, Hoover, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Stevenson and Wright—23.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Collins, Dobson, Foster, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, McCord, Nave, Nickel, Roberts, Tannehill, Test, Thompson, Watts, and Williams—22.

So said motion prevailed.

Mr. Elliott made the following report:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate, No. 160, supplemental to an act pointing out the mode of levying taxes, have had the same under consideration and directed me to report it back with one amendment, by striking it out from the enacting clause and inserting a substitute herewith reported, and ask the concurrence of the Senate therein.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Harris from the committee on enrolled bills made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed bill of the House of Representatives, to-wit:

No. 258, An act fixing the time of holding courts in the fourth judicial circuit; and have found the same correctly enrolled.

A message from the House of Representatives by Mr. Jones, a member:

MR. PRESIDENT—

The Speaker having signed the following enrolled bill of the House: No. 258, an act fixing the time of holding courts in the fourth judicial circuit.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bill.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did, on this day, present to his Excellency the Governor, for his approval and signature the following enrolled bill of the House of Representatives, to-wit:

No. 258, an act fixing the times of holding courts in the 4th judicial circuit.

Mr. Williams, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following enrolled bills of the House, with the engrossed, and find the same truly enrolled, to-wit:

No. 139, an act authorizing an additional justice of the peace, and constable in Jackson township, in the county of Putnam.

No. 189, an act in relation to school moneys deposited with the superintendent of the loan office.

No. 153, an act for the relief of Elvira Garner.

No. 117, an act to confirm to Nathaniel West, a lease of certain water-power therein named.

No. 240, an act for the relief of John Eldon.

No. 262, an act to re-locate the Rockport and Bloomington State road, in the county of Martin, and relative to the New Albany and Vincennes turnpike road.

No. 313, an act to provide for the election of a justice of the peace in the town of Putnamville in Putnam county.

No. 268, an act for the relief of Alexander Beard.

No. 303, an act respecting licenses for retailing spiritous liquors in the City of Richmond.

No. 339, an act to legalize the meetings of the trustees of the La-grange collegiate institute.

No. 223, an act to legalize and give effect to certain official acts of the late clerk of the Floyd circuit court.

No. 162, an act for the election of county assessors.

No. 116, an act to extend to the settlers on the Wabash and Erie canal lands the benefits of an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24, 1840.

No. 346, an act to authorize the removal of the obstructions to the free passage of the water down Mud creek, and the Mill fork of Eel river, in Morgan county.

No. 352, an act to locate and change the name of certain roads therein named.

No. 127, an act to authorize the sale of the asylum for the poor, in the county of Harrison.

No. 348, an act to change certain State roads therein named.

No. 152, an act for the relief of Cinderilla Hooker.

No. 158, an act to amend an act to incorporate the Columbus and Driftwood bridge company, approved Feb. 8, 1839.

No. 333, an act in relation to the jurisdiction of justices of the peace in Posey county.

No. 289, an act to attach certain territory therein named, to Jasper county.

No. 347, a joint resolution suspending the fifth section of an act passed the present session of the General Assembly, entitled, an act for the relief of the Miami and other Indians.

No. 335, an act to provide for the election of an additional justice of the peace in Bluffton, Wells county.

No. 325, an act to locate a State road in Sullivan county.

No. 331, an act for the relief A. B. Coleman;

No. 50, an act entitled an act, to amend an act entitled, an act to amend and revise an act, entitled, an act to incorporate the several townships in the county of Dearborn, approved Feb. 1, 1834.

No. 327, an act for the relief of the Hancock county library.

No. 349, an act to repeal an act entitled, an act to regulate the jurisdiction of the justices of the peace in the county of Hamilton, approved Feb. 18, 1840.

No. 180, a joint resolution relative to the destruction of the statutes of Dubois county.

No. 234, an act authorizing the survey of a canal from Peru to the head of Salt river, and the Erie and Michigan canal.

No. 187, an act to authorize Obadiah Jones to build a mill-dam across the Mississinawa river, in Grant county.

No. 317, an act to amend an act, entitled, an act relative to crimes and punishments, approved Feb. 10, 1831.

No. 298, an act to amend an act, entitled, an act concerning enclosures and trespassing animals, approved Feb. 17, 1838.

No. 290, an act to locate a State road therein named.

No. 112, an act to incorporate the Terre Haute cavalry.

No. 207, an act to incorporate the trustees of the parsonage of the Methodist Episcopal church, of the Brookville circuit.

No. 148, an act to amend an act for the regulation of the State prison, approved Feb. 17, 1838.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills of the House, and joint resolutions:

No. 50, an act to amend an act to amend and revise an act entitled, an act to incorporate the several townships in Dearborn county, approved Feb. 1, 1834.

No. 112, an act to incorporate the Terre Haute cavalry.

No. 116, an act to extend to the settlers on the Wabash and Erie canal lands, the benefits of an act for the relief of settlers on the Wabash and Erie canal lands, approved Feb. 24, 1840.

No. 117, an act to confirm to Nathaniel West a lease of certain water-power therein named.

No. 127, an act to authorize the sale of the asylum of the poor in the county of Harrison.

No. 139, an act authorizing an additional justice of the peace and constable in Jackson township, in the county of Putnam.

No. 148, an act to amend an act for the regulation of the State prison, approved Feb. 17, 1838.

No. 153, an act for the relief of Elvira Garner.

No. 158, an act to amend an act to incorporate the Columbus and Driftwood bridge company, approved Feb. 8, 1839.

No. 162, an act for the election of county assessor.

No. 180, a joint resolution relative to the destruction of the statutes of Dubois county.

No. 187, an act to authorize Obadiah Jones to build a mill-dam across the Mississinawa river, in Grant county.

No. 189, an act in relation to school moneys deposited with the superintendent of the loan office.

No. 207, an act to incorporate the trustees of the parsonage of the Methodist Episcopal church, of the Brookville circuit.

No. 223, an act to legalize and give effect to certain official acts of the late clerk of the Floyd circuit court.

No. 234, an act authorizing the survey of a canal from Peru, to the head of Salt river, and the Erie and Michigan canal.

No. 240, an act for the relief of John Eldon.

No. 262, an act to re-locate the Rockport and Bloomington State road, in the county of Martin, and relative to the New Albany and Vincennes turnpike road.

No. 268, an act for the relief of Alexander Beard.

No. 289, an act to attach certain territory therein named to Jasper county.

No. 290, an act to locate a State road therein named.

No. 298, an act to amend an act concerning enclosures, and trespassing animals, approved Feb. 17, 1838.

No. 303, an act respecting licenses for retailing spiritous liquors in the city of Richmond.

No. 313, an act to provide for the election of a justice of the peace in the town of Putnamville, in Putnam county.

No. 317, an act to amend an act relative to crime and punishment, approved Feb. 10, 1831.

No. 325, an act to locate a State road in Sullivan county.

No. 327, an act for the relief of the Hancock county library.

No. 331, an act for the relief of A. B. Coleman.

333, an act in relation to the jurisdiction of justices of the peace in Posey county.

No. 335, an act to provide for the election of an additional justice of the peace in Bluffton, in Wells county.

No. 339, an act to legalize the meetings of the trustees of the La-grange Collegiate Institute.

No. 346, an act to authorize the removal of the obstructions to the passage of the water down Mud creek and the Middle Fork of Eel river in Morgan county.

No. 347, a joint resolution suspending the fifth section of an act passed the present session of the General Assembly, entitled an act for the relief of the Miami and other Indians;

No. 348, an act to change a certain state road therein named;

No. 349, an act to repeal an act to regulate the jurisdiction of the justices of the peace in the county of Hamilton, approved Feb. 18, 1840;

No. 352, an act to locate and change the name of certain roads therein named.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

Mr. Williams, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have presented to his Excellency the Governor for his approval and signature bills of the House, as follows, to-wit:

No. 139, an act authorizing an additional justice of the peace and constable in Jackson township in the county of Putnam;

No. 189, an act in relation to school moneys deposited with the superintendent of the loan office;

No. 153, an act for the relief of Elvira Garner;

No. 117, an act to confirm to Nathaniel West a lease of certain water power therein named;

No. 240, an act for the relief of John Eldon;

No. 262, an act to re-locate the Rockport and Bloomington state road in the county of Martin, and relative to the N. Albany and Vincennes turnpike road;

No. 313, an act to provide for the election of a justice of the peace in the town of Putnamville in Putnam county;

No. 268, an act for the relief of Alexander Beard;

No. 303, an act respecting licenses for retailing spiritous liquors in the city of Richmond;

No. 339, an act to legalize the meetings of the trustees of the La-grange Collegiate Institute;

No. 223, an act to legalise and give effect to certain official acts of the late clerk of the Floyd circuit court;

No. 162, an act for the election of county assessors;

No. 116, an act to extend to the settlers on the Wabash and Erie Canal lands, the benefits of an act for the relief of settlers on the Wabash and Erie Canal lands, approved Feb. 24, 1840;

No. 346, an act to authorize the removal of the obstructions to the free passage of the water down Mud creek, and the Mill Fork of Eel river in Morgan county;

No. 352, an act to locate and change the name of certain roads therein named;

No. 127, an act to authorize the sale of the asylum for the poor in the county of Harrison;

No. 348, an act to change certain state roads therein named;

No. 152, an act for the relief of Cinderilla Hooker;

No. 158, an act to amend an act to incorporate the Columbus and Driftwood Bridge Company, approved Feb. 8th, 1839;

No. 333, an act in relation to the jurisdiction of justices of the peace in Posey county;

No. 289, an act to attach certain territory therein named to Jasper county;

No. 347, a joint resolution suspending the fifth section of an act passed the present session of the General Assembly, entitled an act for the relief of the Miami and other Indians;

No. 335, an act to provide for the election of an additional justice of the peace in Bluffton, Wells county;

No. 325, an act to locate a state road in Sullivan county;

No. 50, an act entitled an act to amend an act entitled an act to amend and revise an act entitled an act to incorporate the several townships in the county of Dearborn, approved Feb. 1st, 1834;

No. 327, an act for the relief of the Hancock County Library;

No. 349, an act to repeal an act entitled an act to regulate the jurisdiction of the justices of the peace in the county of Hamilton, approved Feb. 18th, 1840;

No. 180, a joint resolution relative to the destruction of the statutes of Dubois county;

No. 234, an act authorizing the survey of a canal from Peru to the head of *Salt River*, and the Erie and Michigan Canal;

No. 187, an act to authorize Obadiah Jones to build a mill dam across the Mississinewa River in Grant county;

No. 317, an act to amend an act entitled an act relative to crimes and punishments, approved Feb. 10, 1831;

No. 298, an act to amend an act entitled an act concerning enclosures on trespassing animals, approved Feb. 17, 1838;

No. 290, an act to locate a state road therein named;

No. 207, an act to incorporate the trustees and the parsonage of the Methodist Episcopal Church of the Brookville circuit;

No. 148, an act to amend an act for the regulation of the State Prison, approved Feb. 17, 1838;

No. 112, an act to incorporate the Terre-Haute Cavalry;

No. 331, an act for the relief of A. B. Coleman.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bills of the Senate, to-wit:

No. 25, an act to amend an act entitled an act subjecting real and personal estate to execution;

No. 87, an act for the relief of Orson Willard;

No. 92, an act to amend an act amendatory to an act entitled an act concerning the Seminary townships of land in Gibson and Monroe counties, approved January 25, 1837, approved February 24, 1840;

No. 93, an act regulating the times of holding circuit courts in the several counties of the second judicial circuit, within the State of Indiana;

No. 97, an act concerning the late Mayor of the town of Lafayette in the county of Tippecanoe;

No. 101, an act to amend an act entitled an act to incorporate the city of New-Albany, and to repeal all laws now in force incorporating the town of New-Albany, approved February 14, 1839;

No. 123, an act to amend an act entitled an act to incorporate the Delphi Insurance Company, approved February 4, 1837;

No. 125, an act to amend an act incorporating Congressional Townships, and providing for public schools therein, approved Feb. 17, 1838;

No. 141, an act to incorporate the Liberty Band;

Also, the following enrolled bills of the House of Representatives:

No. 97, an act to incorporate the Maumee and Wabash Canal Company;

No. 99, an act to prevent speculation by collectors in treasury notes, and other moneys;

No. 173, an act to incorporate the Daviess County Seminary;

No. 209, an act to change the mode of selecting petit jurors in Brown and Martin counties;

No. 256, an act for the relief of the heirs of John Sawyer, deceased;

No. 274, an act to incorporate the Philolethean Society, in Jefferson county;

No. 299, an act to amend an act entitled an act to amend an act to incorporate the town of Jeffersonville, approved February 22, 1840;

The following message was received from his Excellency the Governor by Mr. Moore, his private secretary:

Mr. PRESIDENT :

I am directed by the Governor to inform the Senate that on this day he has approved and signed

An act to incorporate the Michigan City Manufacturing Company;

An act to amend the charter of the borough of Vincennes;

An act relative to the surplus revenue of the United States allotted to Carroll county;

An act to amend an act entitled an act subjecting real and personal estate to execution;

An act for the relief of Orson Willard;

An act to amend an act amendatory to an act entitled an act concerning the seminary townships of land in Gibson and Monroe counties, approved Jan. 25th, 1837, approved February 24, 1840;

An act regulating the times of holding circuit courts in the several counties of the second judicial circuit within the State of Indiana;

An act concerning the late Mayor of the town of Lafayette in the county of Tippecanoe;

An act to amend an act entitled an act to incorporate the city of New-Albany, and to repeal all laws now in force incorporating the town of New-Albany, approved Feb 14, 1839;

An act to amend an act entitled an act to incorporate the Delphi Insurance Company, approved February 4, 1837;

An act to incorporate the Liberty Band.

On motion, the Senate adjourned.

THURSDAY MORNING, FEBRUARY 11, 1841.

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Hager their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bill of the Senate, without amendment:

No. 115, an act for the relief of Ann Gertrude Brick, and Adam and Maurice Brick.

Also the following engrossed bills of the House,

No. 285, an act to provide for the appointment of a Fund Commissioner, to collect the suspended debt of this state.

No. 318, an act to amend "an act regulating descents, distribution and dower," approved Feb. 17, 1838.

No. 319, an act to amend "an act regulating the practice in suits at law," approved Jan. 29, 1831;

No. 320, an act to amend "an act to provide for the partition of real estate," approved Feb. 1, 1831.

And the following joint resolution:

No. 323, relative to the Auditor of Public Accounts;

In which the concurrence of the Senate is respectfully requested.

Bill No. 285, of the above message was twice read and referred to the committee on Finance.

Mr. Collins moved to instruct said committee to amend said bill as follows:

Strike out three dollars per day, and insert two thousand dollars per annum, to be audited by the Auditor of State, and paid by the Treasurer in quarterly payments.

Mr. Cravens moved to amend said instructions as follows:

And further amend the bill so as to provide for the appointment of Fund Commissioner by the Governor, by and with the advice and consent of the Senate.

Mr. Test moved to amend the amendment as follows: to further instruct said committee,

To strike out so much of said bill as provides for abolishing the present board of Fund Commissioners;

Which did not prevail.

Mr. Beard of M. moved to amend the amendment, by striking out the words "by and with the advice and consent of the Senate."

The ayes and noes being ordered thereon, by Messrs Harris and Cravens,

Those who voted in the affirmative were,

Messrs. Aker, Beard of Montgomery, Blair, Clark, Elliott, Herriott, Hoover, Kinzer, Morgan, Mount, Nave, Parker, Stevenson, and Wright—14.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Baird of St. Joseph, Carnan, Carr, Chamberlain, Collins, Cravens, Dobson, Eggleston, Everts, Foster, Hackett, Hanna, Hargove, Harris, Lowe, McCord, Moffatt, Nickel, Riley, Roberts, Stafford, Tannehill, Test, Thompson, and Wright—27.

So said amendment did not prevail.

Mr. Clark moved to amend the amendment by striking out "Senate" and inserting "House of Representatives."

A division of the question being called;

The question was on striking out;

The ayes and noes being requested by Messrs. Clark and Dobson;

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Blair, Carnan, Chamberlain, Clark, Dobson, Foster, Hargrove, Harris, Nickel, Stevenson, and Wright—14.

Those who voted in the negative were,

Messrs. Arion, Baird of St. J., Beard of M., Berry, Carr, Collins Cravens, Eggleston, Elliott, Everts, Ewing, Hackett, Hanna, Herriott, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Roberts, Stafford, Tannehill, Test, Thompson, and Williams—30.

So said amendment did not prevail.

The question then recurred on the adoption of the amendment proposed by Mr. Cravens;

The ayes and noes being ordered by Messrs. Armstrong and Dobson,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of Montgomery, Blair, Cravens, Elliott, Ewing, Herriott, Hoover, Morgan, Mount, Nave, Parker, Riley, Stafford, Test, and Williams—18.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Berry, Carnan, Carr, Chamberlain, Clark, Collins, Dobson, Eggleston, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, McCord, Nickel, Roberts, Stevenson, Tannehill, Thompson, and Wright—25.

So said amendment to the instructions did not prevail.

Mr. Stevenson moved to amend the instructions proposed by Mr. Collins as follows:

That the committee amend so as to repudiate the State bonds of \$300,000 wrongfully withheld by the Morris Canal and Banking Company if they can be identified.

Mr. Cravens moved to amend the amendment, by adding the following proviso:

"Provided said bonds have not passed into the hands of the innocent holders."

The ayes and noes being ordered thereon, by Messrs. Cravens and Arion,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of M., Blair, Carnan, Clark, Cravens, Eggleston, Elliott, Everts, Herriott, Hoover,

Moffatt, Morgan, Mount, Parker, Riley, Test, Williams, and Wright—21.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Berry, Carr, Chamberlain, Collins, Dobson, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Kinzer, Lowe, McCord, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, and Thompson—23.

So said amendment did not prevail.

Mr. Eggleston moved to lay the proposed amendment on the table.

The ayes and noes being requested thereon by Messrs. Stevenson and Lowe,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Test, Williams and Wright—22.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. J., Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill and Thompson—19.

So said motion prevailed.

Mr. Wright moved to amend the proposed instructions by adding: "That until further legislation be had, it shall not be lawful for said Fund Commissioner to sign, issue or sell any further State bonds except it be necessary for the purpose of meeting the present indebtedness of the State or sustaining her credit by the payment of interest and redeem treasury notes.

Mr. Harris moved to amend the amendment by striking out the words "by the payment of interest;"

Which did not prevail.

The question was then put on the amendment proposed by Wright, The ayes and noes being requested by Messrs. Armstrong and Wright,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Berry, Blair, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Hoover, Kinzer, Lowe, McCord, Moffatt, Morgan, Nave, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Test, Thompson and Wright—36.

Those who voted in the negative were,

Messrs. Arion, Beard of M., Elliott, Herriott, Mount and Parker—6.

So said amendment was adopted.

Mr. Armstrong moved to amend the instructions by striking out "\$2000" and inserting \$1500."

Mr. Lowe moved to lay the instructions and amendments on the table.

The ayes and noes being requested by Messrs. Chamberlain and Lowe,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Beard of M., Berry, Blair, Carnan, Chamberlain, Elliott, Foster, Hackett, Hargrove, Harris, Herriott, Lowe, McCord, Morgan, Mount, Nave, Parker, Stevenson, Tannehill, Test and Williams—23.

Those who voted in the negative were,

Messrs. Aker, Armstrong, Baird of St. Joseph, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Everts, Ewing, Hanna, Hoover, Kinzer, Nickel, Riley, Thompson and Wright—18.

So said motion prevailed.

Mr. Lowe moved to instruct the committee to amend said bill, so as to dispense with the services of the present fund commissioners from and after the first day of March next.

Also, to strike out all that part of the law that provides that property taken to secure the payment of our suspended debt shall be sold by consent of the Auditor and Treasurer.

Also, strike out dollar bonds, wherever it may appear, and insert American bonds, principal and interest payable in New York.

On motion of Mr. Test, said instructions were laid on the table.

Bill, No. 318, of the above message, was read twice and referred to the committee on the judiciary.

Bill, No. 319, of the message, was twice read and referred to the committee on the judiciary.

Bill, No. 320, of the message, was twice read, and referred to the committee on the judiciary.

Joint resolution, No. 323, of the message, was read a first and second times.

Mr. Armstrong moved to refer said joint resolution to a select committee,

Which did not prevail.

And said joint resolution was read a third time and passed.

Mr. Ewing moved to reconsider the vote taken on referring bill No. 320, to the judiciary committee,

Which did not prevail.

Mr. Nave, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred an engrossed bill of the House, No. 19, entitled "a bill extending the time of payment to borrowers of the sinking, college, and saline funds, and of the surplus revenue," with sundry other bills on the subject of the surplus revenue, with the following instructions, viz: "To report a bill authorizing the loaning of the surplus revenue in the several counties, and for the appointment of loaning agents in each county," have, according to order, had the same under their consideration, and a majority of said committee, in pursuance of said instructions, have directed me to report back to the Senate the engrossed bill of the House, entitled "a bill extending the time of payment to borrowers of the sinking, college and saline funds, and to borrowers of the surplus revenue," with sundry amendments thereto, in which the concurrence of the Senate is requested.

The second and third amendments were concurred in, and the first disagreed to.

On motion of Mr. Eggleston,

The bill referred to in the report was laid on the table.

Mr. Chamberlain presented the following protest:

A PROTEST against the passage of a joint resolution of the General Assembly of the State of Indiana, at its present session, requesting our Senators and Representatives in Congress to vote for the repeal of the Independent Treasury law.

The undersigned, democratic members of the General Assembly, protest against the passage of said joint resolution, for the following reasons:

First. Because the Independent Treasury system, is the mode clearly recognized by the Constitution for the collection, safe keeping and disbursement, of the national revenue.

Second. Because it is a recognition and revival of the measures adopted for those purposes by the first Congress, convened under the Constitution at the organization of our government, and which received the sanction and approbation of Washington.

Third. Because, in the provisions of the Independent Treasury law, the country finds a salutary, a necessary, and an ample guarantee, against the frauds and defalcations from which, under the old system, the nation has suffered so much; which abuses are the inevitable results of the inherent defects of that system, and for which the law proposed to be repealed by the joint resolution, provides an entire and the only remedy.

Fourth. Because the majority refused to adopt a resolution, instructing the committee on federal relations, in case they recommended the passage of said joint resolution, to point out and specify the manner in which it was proposed to provide for the safe keeping and disbursement of the national revenue, in the event of the repeal of the Independent Treasury.

Fifth. Because, in this event, no mode for these purposes has been even indicated, except a return to the disastrous Bank deposit policy, which leaves no alternative but the re-adoption of the United States Bank, as the fiscal agent of the nation; the avowal of which policy it has not been deemed prudent by the majority to make, till since the elections, knowing as they must the public disapprobation of that institution.

Sixth. Because the policy of depositing the national revenue in banks engenders a spirit of speculation and extravagance, by being made the pretext for a *spurious* or a *fluctuating* issue of bank paper. *Spurious*, if continued without diminution in amount proportioned to the diminution in the amount of revenue on deposit, which, from various causes, frequently occurs—And, *fluctuating*, if permitted to fluctuate as the amount of revenue on deposit fluctuates; either of which, we know from sad experience, are alike ruinous to the trade and commerce of the country.

Seventh. Because this policy leaves the nation at the mercy of the banks, whose history, state or national, is but a history of speculation and fraud. The nation, in cases of the greatest emergency, being exposed to the consequences of Bank suspensions and insolvency, which, also, in their history, have become matters of common occurrence. In which events, as experience has already shown, the nation must either meet her liabilities in depreciated and irredeemable bank paper, or resort to a loan, or the issue of Treasury notes, to carry on its operations, thereby incurring a national debt.

Eighth. Because a repeal of the Independent Treasury law, which is clearly constitutional, would lead to the re-establishment of a National Bank, which is as clearly unconstitutional, and which would be alike inexpedient and dangerous to the liberties of the country—a measure which would destroy the only constitutional, and indeed the only possible uniform standard of value, by virtually abrogating that provision of the constitution which declares that nothing but gold and silver shall be made a lawful tender—a measure which is in no wise necessary to the fiscal operations of government, as experience has clearly shown since the adoption of the Independent Treasury—a measure, dangerous to the liberties of the people, inasmuch as the Bank is controlled by officers not responsible to the people; and from its disposition to interfere in the elections of the country, such is the extent and power of its corrupting influences, that it would not fail to secure in the officers of the government men subservient to its own views. In which posture of affairs we should have not merely a Bank Treasury, but a Bank President, a Bank Congress, indeed a *Bank Government* throughout; the most heartless and intolerable of all despotisms, and from which there would be no deliverance, but in anarchy and revolution.

Ninth. Because the people have not willed the repeal of said Independent Treasury law, but on the contrary thereof, so far as there has been an expression of public sentiment on the subject, they have sanctioned and approved it; which fact was clearly shown by the re-

sult of the congressional election, at which the congressmen were elected who passed that bill; that question being the great and almost the only issue made before the people pending that election; its principles being fully discussed and clearly understood.

Tenth. Because the majority of this legislature, who passed said joint resolution, which necessarily contemplates the re-establishment of a National Bank, were elected, not upon an avowal, but rather upon a *disavowal* of being in favor of a National Bank, so far as that question was agitated.

E. M. CHAMBERLAIN,
HORATIO J. HARRIS,
GAINS H. ROBERTS,
HENRY KINZER,
JOHN F. CARR,
Z. TANNEHILL,
HENRY W. HACKETT,
JOS. LOWE,
JOHN HARGROVE,
J. B. NICKEL,
JOHN FOSTER.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

ORDERS OF THE DAY.

Bill No. 166, of the House, levying a tax for state and internal improvement purposes, was read a third time.

Mr. Cravens moved to re-commit said bill with instructions to strike out "forty" and insert "thirty-five," and to strike out "seventy-five poll tax" and insert "fifty;"

Which did not prevail.

Mr. Harris moved to re-commit said bill to the committee on Finance, with instructions to inquire whether a tax of forty cents on the hundred dollars valuation, and a poll tax of seventy-five cents, as proposed to be levied by this bill, would be sufficient to meet the interest on our public debt and the current expenses of the state government; and if in their opinion, such a tax would be inadequate, to report whether the faith of the state would not be impaired by the passage of this bill, as it is said it would be by the passage of one proposing a poll tax of fifty cents, and the levy of a tax of fifteen cents on the hundred dollars valuation; and also to report, if they believe that the amount of revenue which will be collected under this act, will be sufficient to meet our interest account and the current ex-

penses of the state government, what necessity there was for the passage of the bill introduced into the Senate on yesterday, and read three times in one day, authorizing the sale of state bonds for the purpose of paying the interest on our state debt, thus subjecting the people to the payment of compound interest, and adopting a financial policy which has been repudiated by every political economist, and which must eventually result in the impoverishment of the people, and the degradation of the state; and also to inquire and report whether the second section of the bill, providing that forty cents on the hundred dollars shall be set apart for internal improvement purposes, does not conflict with the opinion expressed by Gov. Noble, in his annual message to the General Assembly at the session 1835 and '36, which was in the following words: "I will not, however, withhold the opinion, that you may safely expend the amount of ten millions without calling on the present or future generations for the payment of any portion of the principal, under the process of taxation. The additional revenue required to meet the interest on the loan would increase the whole amount of tax now paid by our citizens, one-half, that is, he who now pays one dollar, would have to pay the further sum of fifty cents each year."

Mr. Elliott moved to amend the proposed instructions by adding the following:

And whether it would not be more popular for a portion of this legislature, to support a repudiation of all state debts, an abolition of all individual debts, and generally the adoption of the Brownsonian system, without any reference to the character and integrity of the state or the justice of the laws.

On motion of Mr. Carnan, the proposed instructions were laid on the table.

Mr. Test moved to re-commit said bill to a select committee with instructions to strike out "forty" and insert "thirty-five."

Mr. Carnan moved to lay the motion to re-commit with instructions on the table;

The ayes and noes were ordered by Messrs. Berry and Aker,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Carnan, Collins, Dobson, Eggleston, Elliott, Everts, Herriott, Hoover, Lowe, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Stevenson, Tannehill, Williams and Wright—21.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. Joseph, Beard of Montgomery, Berry, Blair, Carr, Clark, Cravens, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Kinzer, McCord, Nave, Nickel, Roberts, Test—21.

The President voted in the affirmative.

So said motion prevailed.

And the question being put, shall said bill pass?

The ayes and noes being requested by Messrs. Hackett and Harris,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Beard of M., Berry, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Everts, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Stevenson, Tannehill, Test and Williams—26.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Baird of St. J., Blair, Carr, Chamberlain, Ewing, Foster, Hackett, Hargrove, Harris, Kinzer, Lowe, Nave, Nickel, Roberts, Thompson and Wright—18.

So said bill passed.

Bill No. 99, of the Senate relative to the agents of the surplus revenue and for other purposes,

Was read a third time and passed.

Mr. Morgan introduced joint resolution, No. 163, suspending an act fixing the time of holding courts in the 6th judicial circuit, approved February, 1841;

Which was read a first and second times.

Mr. Morgan moved to suspend the rule and read the joint resolution a third time now,

The ayes and noes being requested thereon by Messrs. Parker and Aker,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Blair, Carr, Clark, Cravens, Foster, Hackett, Hargrove, Lowe, Moffatt, Morgan, Stafford, Stevenson, Tannehill and Test—16.

Those who voted in the negative were,

Messrs. Aker, Angle, Baird of St. Joseph, Beard of Montgomery, Carnan, Chamberlain, Collins, Dobson, Elliott, Everts, Ewing, Hanna, Harris, Hoover, Kinzer, McCord, Mount, Nave, Nickel, Parker, Riley, Roberts, Williams and Wright—24.

So said motion did not prevail.

And the question being put, shall said joint resolution be engrossed and read a third time to-morrow?

The ayes and noes being requested thereon by Messrs. Parker and Everts,

Those who voted in the affirmative were,

Messrs. Angle, Armstrong, Berry, Blair, Carr, Clark, Cravens, Foster, Hackett, Lowe, Morgan, Mount, Nickel, Stafford, Stevenson, Tannehill and Test—17.

Those who voted in the negative were,

Messrs. Aker, Baird of St. Joseph, Beard of Montgomery, Carnan, Chamberlain, Collins, Dobson, Elliott, Everts, Ewing, Hanna, Harris, Hoover, Kinzer, Nave, Parker, Riley, Roberts, and Williams—19.

So said joint resolution was lost on engrossment.

Mr. Williams, leave being granted, introduced

Bill No. 164, exempting the stockholders in the Richmond and Brookville Canal from the payment of a portion of their state tax;

Which was read a first and second times.

Mr. Eggleston moved to amend said bill as follows:

And in order further to equalize the taxes of the state, a like deduction shall be made from the amount of taxes upon the assessment rolls of the counties of Switzerland, Ripley, Clark, Decatur, Shelby, Warrick, Cass, Rush, Dearborn, Parke, Hancock, and Scott.

Mr. Elliott moved to amend the amendment as follows:

And that one fourth of the state revenue collected in Henry county shall be set apart for the construction of a bridge and grading on the west side thereof over Blue river on the New-Castle and Lafayette state road.

On motion of Mr. Angle, the bill and pending amendments were laid on the table.

On motion of Mr. Berry,

Bill No. 168, in relation to the surplus revenue, was taken from the table.

The question pending was on a motion made by Mr. Parker on yesterday, to strike it out from the enacting clause and inserting his amendment;

A division of the question being called,

The question was on striking out,

Mr. Test moved to amend the amendment proposed by Mr. Parker;

The Chair, (Mr. Lowe,) decided that inasmuch as a division of the question had been called, the amendment offered by Mr. Test was not in order;

From which decision Mr. Test took an appeal,

And the question being put, will the Senate sustain the decision of the chair?

It was decided in the affirmative.

The question recurred on Mr. Parker's motion to strike out,

The ayes and noes being requested thereon by Messrs. Parker and Berry,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stevenson, Williams, and Wright—24.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Kinzer, Lowe, Nave, Nickel, Stafford, Tannehill, Test, and Thompson—19.

So the motion to strike out prevailed.

Mr. Aker moved to amend the amendment as follows, by adding to the following proviso to the first section:

Provided, That so soon as the surplus revenue is converted into bank stock each Branch shall, in granting discounts, give a preference to each county, to the amount of the surplus revenue called in from such county, in all cases where the paper offered for discount may be unexceptionable;

Which amendment prevailed.

Mr. Stevenson moved to amend the amendment by striking out so much as relates to the surplus revenue.

The ayes and noes being requested by Messrs. Stevenson and Kinzer,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Kinzer, Lowe, Nave, Nickel, Stafford, Stevenson, Tannehill, Thompson, and Williams—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, and Wright—22.

So said motion did not prevail.

Mr. Berry moved to lay the bill and proposed amendment on the table.

Which did not prevail.

Mr. Test moved to amend the amendment by adding the following as an addition to the sixth section:

And the same is hereby pledged to the purposes now required by law; and it shall be the duty of the said sinking fund commissioners to keep a book in which the amount of said fund re-

ceived from each county shall be registered, and from what fund the same is received, and it shall be duty of said proper Branch to pay over to the several counties upon legal demand of the school commissioner, whose duty it shall be to apply for the same, the several amounts of said dividends properly due to said county in proportion to the amount of said fund derived from said county; and also to pay over to the person authorized to receive the same, the amount due the State University of said dividends now required by law.

Said amendment was adopted.

On motion of Mr. Cravens,

The 5th section of the amendment offered by Mr. Parker was amended, by adding a proviso, that the bank at its discretion and at its own risk, may grant the same indulgence to the borrowers of said funds that it does to borrowers of its own money.

The question was then put, on inserting the amendment proposed by Mr. Parker.

The ayes and noes being ordered thereon by Messrs. Aker and Chamberlain,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of Mont., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Test, Williams, and Wright—24.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Lowe, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, and Thompson—19.

So said amendment was adopted.

Mr. Nave moved to amend said bill, by adding the following as an additional section, viz:

Sec. —. Be it further enacted, That if said State Bank shall suspend or refuse payment in gold or silver of any of its notes, bills, or obligations, at any one time, for five days, then and in that case she shall forfeit and pay to the State, for the use of common schools, over and above the lawful interest contemplated by this act, ten per centum per annum in damages, upon the full amount of the funds herein transferred for banking purposes.

Mr. Eggleston moved the previous question.

And the question being, will the Senate sustain the call for the previous question?

The ayes and noes being demanded thereon by Messrs. Harris and Chamberlain,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Jos., Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stevenson, Test, Williams and Wright—26.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Herriott, Lowe, Nave, Nickel, Roberts, Stafford, Tannehill, and Thompson—17.

So the call for the previous question was sustained. And, on the question, shall the main question be now put?

The ayes and noes being requested by Messrs. Chamberlain and Foster,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Jos. Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Test, Williams, and Wright—25.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Herriott, Lowe, Nave, Nickel, Roberts, Stafford, Stevenson, and Tannehill—17.

So the main question was ordered.

And the main question being, shall said bill be engrossed and read a third time to-morrow.

Mr. Cravens moved to suspend the rule, and read the bill a third time now.

The ayes and noes being requested by Messrs. Baird of St. Joseph, and Chamberlain,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Jos., Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Test, Williams, and Wright—25.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Herriott, Lowe, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, and Thompson—18.

So the rule was suspended, and said bill read a third time.

And, on the question, shall said bill pass?

The ayes and noes being requested by Messrs. Chamberlain and Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. Jos., Beard of M., Blair, Clark, Collins, Cravens, Elliott, Everts, Ewing, Hoover, Moffatt, Morgan, Mount, Parker, Riley, Williams, and Wright—20.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carnan, Carr, Chamberlain, Dobson, Eggleston, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Lowe, McCord, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, Test, and Thompson—23.

So said bill was lost.

Mr. Thompson moved that the Senate adjourn.

The ayes and noes being requested by Messrs. Harris and Baird of St. Joseph,

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hanna, Hargrove, Harris, Lowe, Morgan, Nave, Nickel, Roberts, Stafford, Tannehill, and Thompson—18.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. Jos., Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hoover, McCord, Moffatt, Mount, Parker, Riley, Stevenson, Test, Williams, and Wright—24.

So the Senate refused to adjourn.

Mr. Carnan moved to re-consider the vote taken on the passage of bill No. 168.

The ayes and noes being ordered thereon by Messrs. Chamberlain and Harris,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Test, Williams, and Wright—23.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Hackett, Hanna, Hargrove, Harris, Lowe, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, and Thompson—17.

So said vote was re-considered.

Mr. Test moved to re-commit said bill to a select committee, with instructions to amend it by adding the following as an additional proviso to the 5th section:

Provided, That instead of giving personal security upon the notes thus transferring all said funds to the Bank, it shall be the duty of the proper Branch to receive the existing mortgages, when there are any, for the security of the same, when the same is deemed sufficient; and if not, then the borrower shall give mortgage security, if preferred to the personal, on unincumbered real estate of double the value of the amount to be secured; which was agreed to,

And Messrs. Test, Parker, and Eggleston, were appointed said committee.

Mr. Test moved that the order of business be suspended, for the purpose of making a report from a select committee.

The ayes and noes being demanded thereon by Messrs. Harris and Hargrove,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Test, Williams and Wright—24.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Lowe, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, and Thompson—19.

So the order of business was suspended,

And Mr Test made the following report:

MR. PRESIDENT:

The select committee to whom was referred a bill of the House, No. 168, have had the same under consideration, and have made one amendment thereto, and have directed me to report the same back to the Senate, and ask the concurrence of the Senate thereto.

The report was concurred in.

And on the question, shall said bill pass?

And the ayes and noes being demanded thereon by Messrs. Baird of St. J., and Chamberlain,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Baird of St. J., Beard of Mont. Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Test, Williams, and Wright—24.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Lowe, Nave, Nickel, Roberts, Stafford, Stevenson, Tannehill, and Thompson—19.

So said bill passed.

The following message was received from the House of Representatives by Mr. Richey, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the amendments of the Senate to bills of the House;

No. 251, to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes;

No. 275, for the relief of Andrew Wilson;

No. 313, to amend an act entitled an act to amend an act entitled an act to provide for draining Lost Creek, in Vigo county.

The House has also passed engrossed bills of the Senate, without amendment;

No. 131, an act to provide for a state road in the counties of Allen and Huntington;

No. 137, an act more effectually to secure the purity of elections;

No. 149, an act to amend an act relating to county seminaries, and for other purposes;

No. 154, an act to repeal an act to incorporate the town of Lebanon in Boone county;

No. 156, an act to repeal an act therein named, relative to a state road in Delaware county;

No. 157, an act to incorporate the Washington Band of Laporte;

No. 159, an act for the relief of the collector of Scott county, for the years 1834 and 1835.

A message from the House of Representatives by Mr. Smith, a member:

MR. PRESIDENT—

The House of Representatives have refused to recede from their amendment to the amendment of the Senate to bill of the House;

No. 227, an act supplemental to an act subjecting real and personal estate to execution, approved, February 4, 1831,

And have appointed Messrs. Champer and Hanna, a committee of free conference on the part of the House, to act with a similar committee appointed on the part of the Senate to take into consideration the disagreement of the two Houses, on this subject.

The following message was received from the House of Representatives by Mr. Smith, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to bills of the House,

No. 287, to incorporate the town of Cambridge City, in Wayne county, Indiana;

No. 294, to incorporate the Preachers' Aid Society;

No. 328, to incorporate the town of Connersville.

On motion, the Senate adjourned.

FRIDAY MORNING, FEBRUARY 12, 1841.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Terril, a member:

MR. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate, that the House insists on their amendment to bill of the Senate No. 116, for the relief of Joseph H. Hendricks, and have appointed Messrs. Smith of F. and Dunn, a committee of free conference on the part of the House, to act with a similar committee on the part of the Senate, to take into consideration the disagreement of the two Houses on this subject.

Mr. Cravens moved that a similar committee of free conference on the part of the Senate, be appointed on the subject referred to in the above message.

Which motion prevailed, and Messrs. Cravens and Test were appointed said committee of free conference.

A message from the House of Representatives by Mr. Smith, a member:

MR. PRESIDENT—

I am instructed to inform the Senate that the House of Representatives have passed an engrossed bill thereof, No. 75, to authorize the State Bank of Indiana to issue notes of a less denomination than five dollars, in which the concurrence of the Senate is requested.

Bill No. 75, of the above message, was read a first time.

Mr. Baird of St. Joseph, moved that the rule be suspended, and said bill be read a second time now.

The ayes and noes being demanded thereon by Messrs. Chamberlain and Lowe,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. Jos., Bell, Blair, Carnan, Clark, Everts, Ewing, Hanna, Herriott, Hoover, Moffatt, Morgan, Parker, Riley, Stafford, Stevenson, Williams, and Wright—20.

Those who voted in the negative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Collins, Cravens, Dobson, Elliott, Hackett, Hargrove, Harris, Lowe, McCord, Mount, Nave, Nickel, Roberts, Tannehill, Thompson, and Wright—20.

So the motion to suspend the rule did not prevail.

Mr. Cravens moved to reject said bill.

The ayes and noes being demanded thereon by Messrs. Lowe and Harris:

Those who voted in the affirmative were,

Messrs. Armstrong, Berry, Carr, Chamberlain, Clark, Cravens, Dobson, Eggleston, Everts, Foster, Hackett, Hargrove, Harris, Lowe, Mount, Nave, Nickel, Parker, Roberts, Tannehill, and Thompson—21.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Baird of St. Jos., Bell, Beard of Mont., Blair, Carnan, Collins, Elliott, Ewing, Hanna, Herriott, Hoover, McCord, Moffatt, Morgan, Riley, Stafford, Stevenson, Watts, Williams, and Wright—23.

So the motion to reject did not prevail, and said bill passed to a second reading on to-morrow.

The following message was received from the House of Representatives by Mr. Butler, a member:

MR. PRESIDENT—

The House of Representatives have passed engrossed bills of the Senate:

No. 136, repealing all laws now in force authorizing the sale of State bonds for internal improvement.

No. 152, authorizing certain suits to be brought in the name of the agent of an unincorporated society, without amendment. Also, the following bills of the House:

No. 338, to extend further time to the borrowers of the school fund, in the State of Indiana.

No. 343, to repeal part of an act incorporating the town of Indianapolis, in which the concurrence of the Senate is respectfully requested.

Bill No. 338, of the above message, was read a first and second times, and,

On motion of Mr. Elliott, laid on the table.

No. 343, of the message, was read three several times, the rule having been suspended, and passed.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill of the Senate.

No. 134, to amend an act entitled, an act relative to crime and punishment, approved Feb. 10, 1831, without amendment.

Also, the following bill of the House:

No. 165, to tax the individual stock in the several Branches of the State Bank of Indiana, in which the concurrence of the Senate is respectfully requested.

No. 165, named in the above message was read a first and second times.

Mr. Dobson moved to amend said bill, by striding out the words, "paid out by individual stockholders," in the 4th line of 4th section, which did not prevail.

Mr. Chamberlain moved to refer said bill to the committee on the State bank, which did not prevail.

And said bill was ordered to a third reading to-morrow.

Mr. Bell, from the committee on the State library, made the following report:

MR. PRESIDENT—

The committee on the State library, to whom was referred the annual report of Wm. J. Brown, late State librarian, and a resolution of the Senate, instructing the committee to make an examination of the State library, with a view to ascertain the number of books in the State library, the number of books lost or missing, since the library has been under the control of said Brown, report—

That in the discharge of the laborious duties which the instructions of the Senate necessarily imposed upon them, that they engaged the

services of Mr. Robert B. Hanna, to act on the part of the committee, in conjunction with the librarian, Mr. Brown, who have examined and invoiced the whole library, the result of his examinations being approved by the committee and certified to by Mr. Hanna, is herewith submitted, and made a part of this report. By this catalogue it appears that 132 volumes belonging to the State library, are missing or lost since Mr. Brown has acted as librarian. The value of these books, including the setts broken, by the loss of a volume out of setts, amounts to \$290 70. Where the price could not be found in the invoices of purchase, the value has been estimated by those who were considered judges of their value, and the word "estimated," is prefixed to the work. The committee would remark, that no books taken out of the State library since the commencement of the present General Assembly, are marked as "missing," but considered in the library, and included in statement A.

In reference to the account of the State librarian, (Mr. Brown) the committee find by referring to the report of the auditor of public accounts, (made on a call of the committee,) which is herewith appended as statement E, it appears that the unaccounted for balance against said librarian, is \$485 91, from which is to be deducted such sum as may have been paid out by the librarian for the purchase of 1840, which purchase, as appears by the annual report of Mr. Brown, amounts to \$588 11.

Your committee are of opinion, that most, if not all of this last purchase by Mr. Brown, is unpaid for, as evidence that the purchase made at Hartford, referred to by Mr. Brown in his report, was upon credit, the letter of the Hartford merchant to the Secretary of State is herewith appended, marked F.

In conclusion, your committee have thought it advisable, in order to a settlement with Mr. Brown, and to prevent all future difficulties and losses of a like nature, to report a joint resolution on the subject entitled, a joint resolution on the subject of the State library,—the adoption of which they recommend to the Senate.

Joint resolution, No. 165, relative to the State library, was read three several times, the rule being suspended, and passed.

Mr. Morgan, leave being granted, introduced joint resolution No. 166, on the subject of printing an act therein named; which was read three several times, the rule being suspended, and passed.

Mr. Beard of M., leave being granted, introduced joint resolution No. 167, relative to the publication of the school law; which was read three several times, the rule being suspended, and passed.

Mr. Baird of St. Joseph, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred a bill of the House of Representatives, No. 356, entitled, a bill to incorporate the Portage Bridge Company, have had the same under consideration, and

directed me to report the same back to the Senate without amendment, and recommend its passage.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Angle, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred a bill of the House of Representatives No. 326, entitled, a bill to incorporate the Marion and Wabash Turnpike Company, have had that subject under consideration, and have directed me to report the same back to the Senate with one amendment, and recommend its passage, to-wit:

In the last section between the words "to" and "alter" in the first line insert "repeal."

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Nave, from the committee on corporations, made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred an engrossed bill of the House (No. 341) entitled, a bill to incorporate the Lagro and Manchester Turnpike Company have, according to order, had the same under consideration, and have made one amendment thereto, and have directed me to report the same back to the Senate, and ask its concurrence therein.

On motion of Mr. Baird of St. J., said bill was amended by adding after the word "amend," the words "or repeal."

The report was concurred in.

Mr. Foster moved to amend by striking "30" years, the limit of the charter, and insert "75;"

Which did not prevail.

And the rule being suspended, said bill was read a third time and passed.

Mr. Morgan, leave being granted, made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred a bill of the House of Representatives to incorporate the Hagerstown Canal Company, have had the same under their consideration, and have directed me to report it back without amendment, and recommend its passage.

The report was concurred in.

On motion of Mr. Beard of St. Joseph, the words "or repeal" were inserted after the word "amend;"

On motion of Mr. Test, said bill was laid on the table.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House has concurred in the amendment of the Senate to bill of the House No. 365, supplemental to an act fixing the time of holding circuit courts in the 8th judicial circuit, and has passed engrossed bills of the Senate,

No. 57, an act to provide for the improvement of the Michigan Road;

No. 162, an act to provide for the payment of the interest on the public debt of the State of Indiana, and for the redemption of the treasury notes of the State; the first without amendment, and the last with sundry amendments,

In which the concurrence of the Senate is requested.

Also, the following engrossed bill of the House,

No. 359, an act to establish certain state roads therein named, and for other purposes;

In which the concurrence of the Senate is respectfully requested.

The amendments to the bill No. 162 of the above message, were concurred in.

Bill No. 359 of the above message, was read the first and second times, and referred to the committee on roads.

The following message was received from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bills, and a joint resolution thereof;

No. 135, an act to provide for the settlement of disputed claims for labor on the public works;

No. 171, an act declaring a certain name therein a misprint, and for other purposes;

No. 369, an act to provide for the payment of debts contracted by the late mayor and common council of the town of Lafayette, under the charter of said town, approved, February 4, 1837;

No. 373, a joint resolution relative to the Auditor of Public Accounts;

No. 374, an act for the relief of Eli Davis;

In which the concurrence of the Senate is respectfully requested.

Bill No. 135 of the above message, was read a first and second times and referred to a select committee of Messrs. Clark, Dobson, and Baird of St. J.

Bill No. 171 of the message, was read a first and second time, and ordered to a third reading to-morrow.

No. 369, and 373, were read three several times. the rule being suspended, and passed.

No. 374, of the above message, was read a first time and passed to a second reading.

On motion of Mr. Williams, bill no 312, incorporating the Hagars-town Canal Company, was taken from the table.

Mr. Baird of St. J., moved to reconsider the vote taken on the adoption of his amendment to said bill.

The ayes and noes being demanded thereon by Messrs. Test and Arion,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. J., Beard of Montgomery, Carnan, Clark, Collins, Cravens, Eggleston, Everts, Hoover, McCord, Moffatt, Morgan, Riley, Stafford, Test and Williams—18.

Those who voted in the negative were,

Messrs. Angle, Bell, Berry, Carr, Chamberlain, Dobson, Elliott, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Lowe, Nave, Nickel, Parker, Roberts, Stevenson, Tannehill, Thompson, Williams and Wright—23.

So said motion did not prevail.

And said bill was ordered to a 3d reading on to-morrow.

The following message was received from the House of Representatives by Mr. Burton, a member:

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House,

No. 337, entitled an act supplemental to the 13th section of an act entitled an act subjecting real and personal estate to execution; approved 4th February, 1831;

To which the concurrence of the Senate is requested.

Bill No. 337, named in the above message, was read a first time and passed to a second reading to-morrow.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

The House has passed an engrossed bill and joint resolution thereof, as follows:

No. 371, a joint resolution on the subject of the redemption and cancelling of treasury notes;

No. 372, an act defining the manner of selecting petit jurors in Hancock county;

In which I am directed to ask the concurrence of the Senate.

Bill No. 371, of the above message, was read a first, second, and third times and passed.

Bill No. 372, named in the message, was read three several times, the rule being suspended, and passed.

Mr. Parker, from the committee on finance, made the following report:

MR. PRESIDENT—

The standing committee on finance, to whom was referred bill No. 285, of the House, entitled an act to provide for the appointment of a Fund Commissioner, to collect the suspended debt of the state, agreeably to order, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments, and recommend its passage, to-wit:

Add to the first section this:

1st. *Provided*, That in case a vacancy in the office of Fund Commissioner, as provided for in this act, from any cause whatever, when the legislature is not in session, it shall be the duty of the Governor, without any unnecessary delay, to fill such vacancy.

2d. Strike from the 18th sec. these words: "For each day necessarily employed, the sum of three dollars" and insert the following: "fifteen hundred dollars per annum."

3d. Strike from the 19th section the words "as follows" and all succeeding said words in said section, and insert these words, "as may be provided for by law, for the payment of interest on the public debt, and for the redemption of the treasury notes; and except for these two purposes no further bonds shall be sold or issued for any purpose whatever, any law to the contrary notwithstanding."

4th. In the 21st section after the words, "parts of laws" insert these words, "creating or recognizing any Fund Commissioner or Commissioners, other than is herein provided for, or that,"

The first amendment was concurred in.

The question was put on concurring in the second amendment;

The ayes and noes being ordered by Messrs. Bell and Hackett,

Those who voted in the affirmative were,

Messrs. Aker, Arion, Baird of St. Joseph, Beard of Montgomery, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hanna, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Thompson, Williams and Wright—26.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Bell, Berry, Carr, Chamberlain, Dobson, Foster, Hackett, Hargrove, Harris, Lowe, Nickel, Roberts, Stevenson, Tannehill and Test—17.

So the second amendment was concurred in.

The 3d and 4th were also concurred in.

Mr. Chamberlain moved to amend said bill by adding as follows to the last section:

The present Board of Fund Commissioners be and the same is hereby dissolved;

Which did not prevail.

And the rule being suspended, said bill was read a third time and passed.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Parker, from the committee on finance, made the following report:

MR. PRESIDENT—

The committee on finance, to whom was referred bill of the House No. 177, entitled an act for the relief of the owners of Indian Reservations, have agreeably to order, had the same under consideration, and have directed me to report the same back to the Senate with one amendment and recommend its passage, to-wit:

In the first section after the words, "pay to the" insert these words, "the proper person or persons all legal costs that may have been created because of such delinquency, and to the."

The report was concurred in and the rule being suspended, said bill was read a third time and passed.

Mr. Parker made the following report:

MR. PRESIDENT—

The committee on finance, to whom was referred engrossed bill of the House, No. 131, for the relief of Edward H. Jacot, have agreeably to order, had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

The report was concurred in and the rule being suspended, said bill was read a third time and passed.

Mr. Elliott, from the judiciary committee, made the following report:

MR. PRESIDENT—

The committee on the judiciary, to whom was referred bill of the House, No. 204, an act for the relief of Azor Charles, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in, and said bill indefinitely postponed. Mr. Elliott made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred bill of the House of Representatives, No. 305, an act to amend "an act to provide for the distribution of the laws and journals and for other purposes, approved February 10, 1831, have according to order had the same under consideration, and have instructed me to report it back to the Senate without amendment, and recommend its passage.

The report was concurred in and said bill read a third time and passed.

Mr. Thompson from the committee on education made the following report:

MR. PRESIDENT:

The committee on education to whom was referred a bill of the Senate, entitled, "a bill to provide for a better regulation of Indiana University, have, after an examination of its provisions, instructed me to amend it by striking out the 3d, 4th, 5th, 6th and 7th sections upon the concurrence of the Senate to which, the committee recommend the passage of the bill.

The report was concurred in and said bill, the rule being suspended, was read a third time and passed.

Mr. Baird of St. Joseph from the committee on canals and Internal Improvements made the following report:

MR. PRESIDENT—

The committee on canals and Internal Improvements to whom was referred a bill of the House of Representatives, No. 324, entitled "a bill for the relief of Thomas Nichols," have had the same under consideration and directed me to report the same back to the Senate without amendment and recommend its passage.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Eggleston from the committee on corporations made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred the petition of Stephen D. Ludlow and others have had the same under consideration and have directed me to report a bill in conformity with the prayer of said petition.

Bill No. 168, to amend the charter of the town of Lawrenceburgh, was read three several times, the rule being suspended, and passed.

Mr. Clark from a select committee made the following report:

MR. PRESIDENT—

The select committee to which was referred "a bill to provide for the settlement of disputed claims for labor upon the public works," have had the same under consideration, and have directed me to report the same back with four amendments, with which they respectfully recommend its passage.

The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Moffatt from a select committee made the following report:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House of Representatives No. 199, entitled an act to relocate the county seat of Sullivan county, have had the same under consideration and have instructed me to report the same back with one amendment, in which the concurrence of the Senate is respectfully requested.

Strike out the two first sections of the bill and insert the following: The report was concurred in, and the rule being suspended, said bill was read a third time and passed.

Mr. Stafford from the committee on roads, to which bill No. 359, to establish certain state roads therein named, and for other purposes, had been referred, reported the same back with sundry amendments, asked the concurrence of the Senate therein, and recommend the passage of the bill;

The report was concurred in and the rule being suspended, said bill was read a third time and passed.

Mr. Nave introduced bill No. 169, amendatory of an act entitled an act subjecting real and personal estate to execution, approved Feb. 1831, which was read three several times, the rule being suspended, and passed.

The following message was received from the House of Representatives by Mr. Jones, a member:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill of the House, No. 351, "an act to provide for the further construction of the Madison and Indianapolis rail road,"

In which the concurrence of the Senate is respectfully requested.
 Bill No. 351, of the above message was read a first time;
 Mr. Elliott moved to reject said bill;
 The ayes and noes being ordered by Messrs. Parker and Watts,

Those who voted in the affirmative were,

Messrs. Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Hackett, Lowe, McCord, Morgan, Mount, Parker, Riley, Roberts, Test, Thompson, Watts and Williams—19.

Those who voted in the negative were,

Messrs. Aker, Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Blair, Carr, Everts, Ewing, Foster, Hanna, Hargrove, Harris, Herriott, Hoover, Moffatt, Nave, Nickel, Stafford, Stevenson and Tannehill—23.

So said motion to reject did not prevail.

Mr. Armstrong moved that the rule be suspended and said bill read a second time now,

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Arion, Armstrong, Bell, Berry, Carr, Everts, Ewing, Foster, Hanna, Harris, Herriott, Hoover, Moffatt, Nave, Nickel, Stafford, Stevenson and Tannehill—20.

Those who voted in the negative were,

Messrs. Baird of St. J., Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Hackett, Hargrove, Lowe, McCord, Morgan, Mount, Parker, Riley, Roberts, Test, Thompson, Watts, Williams and Wright—23.

So said motion to suspend the rule did not prevail.

Mr. Cravens from a committee of free conference, on the part of the Senate, on bill No. 116, for the relief of J. H. Hendricks, reported that they had agreed to sundry amendments to said bill, and asked the concurrence of the Senate therein;

The report was concurred in.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

The House of Representatives have directed me to inform the Senate, that they have concurred in the amendment of the Senate to the amendment of the House to the bill of the Senate,

No. 62, a bill to suspend further operations upon the public works

on account of the State, until they shall be classed, and to authorize individuals to advance means to prosecute them.

The House has also passed the following engrossed joint resolution thereof:

No. 263, on the subject of the Wabash and Erie Canal,

In which the concurrence of the Senate is respectfully requested.

No. 263, named in the above message was read a first time.

Mr. Blair moved to suspend the rule and read said joint resolution a second time now.

The ayes and noes being ordered by Messrs. Parker and Riley,

Those who voted in the affirmative were,

Messrs. Angle, Bell, Blair, Carnan, Clark, Dobson, Ewing, Foster, Hanna, Hargrove, Harris, Hoover, McCord, Nave, Stafford, Tannehill and Wright—17.

Those who voted in the negative were,

Messrs. Aker, Berry, Carr, Collins, Cravens, Eggleston, Elliott, Everts, Hackett, Morgan, Mount, Nickel, Parker, Riley, Roberts, Stevenson, Test, Thompson, and Williams—19.

So the motion to suspend the rule did not prevail.

Mr. Eggleston, from a committee of free conference made the following report;

MR. PRESIDENT—

The committee of free conference to which was referred bill of the House, No. 227, entitled an act supplemental to an act subjecting real and personal property to execution, and the different amendments, have had the same under consideration and have directed me to make the following report, to-wit: Strike out of the 1st section of the amendment of the Senate the words ten per cent. and insert twelve and one half per cent. 2ndly: Strike out the amendments of the House, and insert the following sections in lieu thereof to-wit:

Sec. 6. That hereafter no real property shall be sold on execution for less than one half of its cash value at the time of such sale.

Sec. —. That the sheriff or other officer, in whose hands such execution may be, shall, to ascertain the cash value of such real property, select three disinterested freeholders of the county in which the same may lie, who shall forthwith proceed to make a true cash valuation thereof in writing, to which said appraisers shall be sworn by some person authorized to administer oaths, in words as follows: "We the undersigned do solemnly swear or affirm (as the case may be) that the real property mentioned above, is, to the best of our

judgments, worth (here insert the appraised value) in cash at this time and that the same is a true cash valuation thereof."

Signed,

— — —
— — —
— — —

Sworn to before
which appraisement, sworn to as above, shall be delivered to the sheriff or other officer, to be by him returned and filed with the execution in the clerk's office from which said execution issued.

Sec. —. That whenever any sheriff, or other officer, shall expose to sale on execution any real property, according to the provisions of this act, and the same cannot be sold for one half of its appraised value as aforesaid, it shall be his duty to return the execution with a special endorsement to that effect to the office from which it issued, and the plaintiff or plaintiffs may have every three months another execution upon every such return, and upon the issuing of every new execution either party may require a re-valuation of such real property.

Sec. —. That the provisions of this act shall not extend to judgments on *sciera facia*, judgments or other legal proceedings against state, county, or township officers for neglect or malfeasance in office, against attorneys for neglecting or refusing to pay over moneys collected, and on bonds for the delivery of property levied on by execution.

Sec. —. That hereafter no household goods and furniture, kitchen utensils and implements of husbandry and mechanics' tools, shall be sold on execution for less than one half of their cash value at the time of such sale.

Sec. —. That such personal property shall be appraised in the same manner, and the parties thereto shall be entitled to all the rights and subject to all the restrictions laid down in this act for the appraisement of real property.

Sec. —. That hereafter the sheriff, constable, or other officer in levying on property may, if he choose, levy in the first place upon all property belonging to the execution defendant or defendants, which he is not required by this act to have appraised and which is not now exempted from execution.

Sec. —. That the appraisers under this act shall be entitled to 50 cents per day for their services and all of that part of this act which requires personal property to be appraised, shall be null and void from and after the first day of March, A. D. 1842.

Sec. — That this act shall be in force from and after its passage, and shall be published in the Indiana Journal.

The report was concurred in.

The following message was received from the House of Representatives by Mr. Sweetser of G., a member :

MR. PRESIDENT—

The House has passed the engrossed bill supplementary to an act to provide for the completion of that portion of the Cross-cut Canal which lies between the feeder dam and Terre-Haute, in which the concurrence of the Senate, is respectfully requested.

Bill No. 361, of the above message was read thred several times, the rule being suspended, and passed.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT :

The House have directed me to inform the Senate, that the House refuses to concur in the amendment of the Senate to bill of the House, No. 98, regulating the taking up of animals going astray, and water craft and other articles of value adrift.

Mr. Lowe moved that the Senate recede from its amendment to said bill;

Which did not prevail.

Mr. Armstrong moved that the Senate insist on their amendment to said bill.

And on motion of Mr. Armstrong, a committee of free conference on the part of the Senate was appointed, to meet a similar committee on the part of the House, to consider their disagreement.

Ordered, That Messrs. Armstrong and Baird of St. Joseph constitute said committee.

Mr. Elliott, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT :

The joint committee on enrolled bills have this day compared the enrolled with the engrossed bills of the House of Representatives, entitled,

No. 264, an act to incorporate the town of Wilmington in Dearborn county;

No. 161, an act prescribing the duties of county auditor,

And find the same truly enrolled.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed bills of the House of Representatives, to-wit:

No. 143, an act to incorporate the Greensburg steam mill and manufacturing company, in Decatur county;

No. 160, an act to value the property of the State;
 No. 163, an act prescribing the duties of county Treasurers;
 No. 164, an act pointing out the mode of levying taxes;
 No. 211, an act to incorporate the town of Mooresville, in Morgan county;
 No. 294, an act to incorporate the Preacker's aid society:
 And have found the same correctly enrolled.
 Mr. Armstrong made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have compared the enrolled with the engrossed bills of the House—

No. 328, to incorporate the town of Connersville;
 No. 288, to incorporate the Jonesborough bridge company;
 And find the same truly enrolled.
 Mr. Williams from the committee on enrolled bills made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the following enrolled with the engrossed bills of the House, and find the same truly enrolled, to wit:

No. 287, an act to incorporate the town of Cambridge city, Wayne county, Indiana.

Mr. Williams, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the enrolled bills of the Senate with the engrossed, as follows, and find the same truly enrolled, to wit:

No. 136, an act repealing all laws now in force authorizing the sale of State bonds for internal improvements.

No. 244, an act to fix the times of holding the Courts in the sixth judicial circuit.

No. 151, an act changing the name of William Wallace.

No. 154, an act to incorporate the centre church of Crawfordsville.

No. 153, an act to enable George G. Dunn, guardian of the minor heirs of Moses Fell, deceased, to convey certain real estate.

No. 134, an act to amend an act entitled, an act relative to crime and punishment, approved February 10, 1831.

No. 57, an act to provide for the improvement of the Michigan road.

The following message was received from the House of Representatives by Mr. Smydth, a member:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bills of the House,

No. 211, an act to incorporate the town of Mooresville, in Morgan county,

No. 143, an act to incorporate the Greensburgh steam mill and manufacturing company in Decatur county,

No. 164, an act pointing out the mode of levying taxes,

No. 163, an act prescribing the duties of county Treasurer,

No. 294, an act to incorporate the Preachers' aid society,

No. 160, an act to value the property of this State,

All of which I have been directed to report to the Senate for the signature of the President.

And the President signed said bills.

A message from the House of Representatives by Mr. Montgomery, a member:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills of the House,

No. 161, an act prescribing the duties of County Auditor,

No. 264, an act to incorporate the town of Wilmington,

No. 287, an act to incorporate the town of Cambridge city, in Wayne county,

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

The Speaker having signed the following enrolled bills of the Senate,

No. 57, an act to provide for the improvement of the Michigan road.

No. 134, an act to amend an act relative to crime and punishment, approved February 10th, 1831.

No. 136, an act repealing all laws now in force authorizing the sale of State bonds for internal improvements.

No. 151, an act changing the name of William Wallace.

No. 153, an act to enable George G. Dunn, guardian of the minor heirs of Moses Fell, deceased, to convey certain real estate.

No. 154, an act to incorporate the central church of Crawfordsville.

No. 244, an act to fix the time of holding the Courts in the 6th judicial circuit.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

Mr. Williams, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they have presented to his Excellency, the Governor, for his approval and signature, bills of the House as follows, to wit:

No. 161, an act prescribing the duties of County Auditor.

No. 264, An act to incorporate the town of Wilmington, in Dearborn county.

No. 287, an act to incorporate the town of Cambridge city, Wayne county, Indiana.

Mr. Harris, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT:

The joint committee on enrolled bills report, that they did, on this day, present to his Excellency the Governor for his approval and signature, the following enrolled bills of the House of Representatives, to-wit:

No. 143, an act to incorporate the Greensburg steam mill and manufacturing company, in Decatur county.

No. 160, an act to value the property of the State.

No. 163, an act prescribing the duties of County Treasurers.

No. 164, an act pointing out the mode of levying taxes.

No. 211, an act to incorporate the town of Mooresville, in Morgan county.

No. 294, an act to incorporate the Preachers' aid society.

On motion, the Senate adjourned.

SATURDAY MORNING, FEB. 13, 1841.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Smydth, a member:

Mr. PRESIDENT—

I am directed by the House to inform the Senate, that the House has concurred in the report of the committee of free conference on the part of the House, appointed to act with a similar committee on the part of the Senate, to take into consideration the disagreement of

the two Houses on the bill of the Senate, No. 116, for the relief of Joseph H. Hendricks.

The House has also concurred in the report of the committee of free conference on the part of the House, acting with a similar committee on the part of the Senate, on the subject of the disagreement of the two Houses, in relation to the bill of the House,

No. 227, an act supplemental to an act subjecting real and personal estate to execution, approved, February 4, 1831.

The House has also concurred in the 1st, 2d, and 4th amendments of the Senate to bill of the House No. 288, to provide for the appointments of the Senate to bill of the House,

No. 288, to provide for the appointment of a Fund Commissioner, to collect the suspended debt of this State; and in the third amendment, with one amendment, in which the concurrence of the Senate is requested.

The House has also passed engrossed bills and joint resolutions thereof;

No. 367, an act for the relief of Clements & Roddick, contractors on the southern division of the Central Canal;

No. 370, a joint resolution on the subject of the State Board of Equalization;

No. 376, a joint resolution relative to the Superintendents of the State's Prison;

No. 377, an act to amend an act regulating the practice at law;

No. 378, an act to amend an act to establish a State Bank, approved January 28, 1834;

No. 379, a joint resolution relative to Michigan Road Lands;

In which the concurrence of the Senate is respectfully requested.

Amendment to No. 283 of the above message, was concurred in by the Senate.

Bill No. 367 of the message, was read a first and second times, and referred to the committee on canals and internal improvements.

Bill No. 370 of the message, was read a first and second times.

Mr. Nave moved to amend said bill by striking out the name of "A. Worth" in fifth judicial circuit, and insert the name of A. Alexander; Which did not prevail.

Mr. Wright moved to strike out the name of Marshal S. Wines, for the 8th judicial circuit, and insert G. W. Ewing;

Which did not prevail.

And the rule being suspended, said bill was read a third time and passed.

No. 376 of the message, was read a first and second time.

Mr. Collins moved to lay said bill on the table;

Which did not prevail, and said bill was ordered to a third reading on Monday next.

Bill No. 377 of the message, was read a first and second times.

Mr. Elliott moved to amend said bill as follows:

Insert the following as additional sections, viz:

Sec. 2. That the clerk of the circuit court of Cass county, in mak-

ing out the duplicate for the year 1841, shall attach thereto a copy of the duplicate for the year 1839, and shall charge, on the appraisement of property specified in said duplicate, fifteen cents on each hundred dollars thereof for state purposes, to make up the deficit in the per cent. charged on said duplicate for the year 1839, and shall extend the same in a proper column for that purpose; which shall be attached to the duplicate of 1841; and it shall be the duty of the collector of said county, to collect said tax off of the persons against whom the same is charged, for which he shall receive the same per centum as may be allowed by law for collecting the revenue of 1841.

Proviso to first section:

Provided, that in cases of any transfer or sale of any real estate charged on said duplicate for the year 1839, then and in that case, the same shall be charged against the proper holder or owner thereof.

The ayes and noes being ordered thereon by Messrs. Wright and Clark,

Those who voted in the affirmative were,

Messrs. Aker, Angle, Armstrong, Baird of St. Joseph, Beard of M., Bell, Berry, Blair, Clark, Collins, Cravens, Dobson, Elliott, Everts, Foster, Hackett, Hargrove, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Nickel, Parker, Riley, Stafford, Tannehill, Thompson, and Williams—31.

In the negative,

Mr. Wright—1.

So said amendment was adopted, and the rule being suspended, the bill was read a third time.

Mr. Wright moved to re-commit said bill, with instructions to amend so as to include Allen and Spencer counties.

A division of the question being called,

The question was taken on re-committing, and decided in the negative.

Bill No. 378, named in the message, was read a first and second times.

Mr. Nave moved to amend by inserting "stockholders;"

Which was not agreed to.

And on motion of Mr. Collins, said bill was indefinitely postponed.

No. 379 of the message was read a first and second times; and

On motion of Mr. Angle, the bill was amended by striking out the words "committee of ways and means."

And the rule being suspended, said bill was read a third time and passed.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed an engrossed bill thereof;

No. 368, an act making specific appropriations for the year 1841; In which the concurrence of the Senate is respectfully requested.

No. 368, the bill named in the above message, was read a first and second times.

On motion of Mr. Elliott, the Senate resolved itself into a committee of the whole on said bill, Mr. Test in the chair,

After considering said bill, the committee rose, and the chairman reported sundry amendments, and requested the concurrence of the Senate therein;

And said amendments were concurred in.

Mr. Chamberlain moved to amend said bill by striking out so much as relates to W. J. Brown, being allowed out of the internal improvement fund, for certain services, and inserting, to be paid in "treasury notes;"

Which did not prevail.

Mr. Williams moved to amend said bill by striking out "2 50" per day as appropriated to the Assistant Doorkeeper, and insert \$2 per day.

The ayes and noes being demanded thereon by Messrs. Williams and Moffatt,

Those who voted in the affirmative were,

Messrs. Angle, Baird of St. J., Beard of M., Bell, Blair, Carr, Collins, Hargrove, Harris, Herriott, McCord, Moffatt, Morgan, Mount, Parker, Stafford, Stevenson, Tannehill, Thompson, Watts, and Williams—21.

Those who voted in the negative were,

Messrs. Berry, Carnan, Chamberlain, Clark, Cravens, Dobson, Elliott, Everts, Ewing, Foster, Hanna, Hackett, Hoover, Lowe, Nave, Nickel, Riley, Roberts, Test, and Wright—20.

So said amendment was adopted.

On motion of Mr. Hanna, said bill was amended, by inserting \$2 per day as an allowance to Michael Shay.

And the rule being suspended, said bill was read a third time and passed.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The House has refused to concur in the amendment of the Senate to bill of the House,

No. 168, an act to amend an act, approved, February 6, 1837, entitled, an act to provide for distributing so much of the surplus revenue of the United States, as the State may be entitled to and receive by virtue of an act of Congress, approved, June 23, 1836.

Mr. Berry moved that the Senate recede from its amendment to said bill.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Armstrong, Bell, Berry, Carr, Chamberlain, Dobson, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Lowe, Nave, Nickel, Roberts, Stevenson, Tannehill, Test, and Thompson—21.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Watts, Williams, and Wright—23.

So the Senate refused to recede from their amendment to said bill.

Mr. Baird of St. Joseph moved that the Senate insist on their amendment to said bill.

The ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Baird of St. J., Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Watts, Williams, and Wright—23.

Those who voted in the negative were,

Messrs. Armstrong, Bell, Berry, Carr, Chamberlain, Dobson, Everts, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Lowe, Nave, Nickel, Roberts, Stevenson, Tannehill, Test, and Thompson—21.

So the Senate insisted on their amendment.

Mr. Parker moved that a committee of free conference be appointed on the part of the Senate to meet a similar committee on the part of the House, to consider the disagreement of the two houses to said bill.

The ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Baird of St. J., Beard of M., Blair, Carnan, Clark, Collins, Cravens, Eggleston, Elliott, Everts, Ewing, Hoover, McCord, Moffatt, Morgan, Mount, Parker, Riley, Stafford, Stevenson, Test, Watts, Williams, and Wright—26.

Those who voted in the negative were,

Messrs. Armstrong, Bell, Berry, Carr, Chamberlain, Dobson, Fos-

ter, Hackett, Hanna, Hargrove, Harris, Herriott, Lowe, Nave, Nickel, Roberts, Tannehill, and Thompson—18.

So said motion prevailed,

And Messrs. Parker and Baird of St. Joseph, were appointed said committee.

On motion of Mr. Test, bill No. 312, incorporating the Hagerstown Canal Company, was taken up and referred to a select committee of Messrs. Test and Carnan.

Mr. Carnan moved that the order of business be suspended for the purpose of hearing a report from a select committee.

The ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Arion, Armstrong, Beard of M., Bell, Berry, Blair, Carnan, Carr, Clark, Collins, Cravens, Dobson, Eggleston, Herriott, Hoover, McCord, Moffatt, Morgan, Mount, Nave, Roberts, Stafford, Tannehill, Test, Williams and Wright—23.

Those who voted in the negative were,

Messrs. Angle, Chamberlain, Elliott, Everts, Ewing, Foster, Hackett, Hanna, Harris, Nickel, Parker, Riley, Stevenson, and Watts—14.

So the order of business was suspended, and Mr. Test from a select committee to which it had been referred, reported back bill No. 312, to incorporate the Hagerstown canal company, with an amendment, which was that the Legislature might by a vote of two thirds, repeal the charter of said company;

And the question being, will the Senate concur in said report?

The ayes and noes being ordered by Messrs. Elliott and Chamberlain,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. J., Beard of M., Berry, Blair, Carnan, Clark, Collins, Cravens, Eggleston, Everts, Herriott, Hoover, Moffatt, Morgan, Mount, Riley, Stafford, Tannehill, Test, and Wright—21.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Bell, Chamberlain, Dobson, Elliott, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Lowe, McCord, Nave, Nickel, Parker, Stevenson, Thompson, and Watts—20.

So the report was concurred in and the bill read a third time.

Mr. Elliott moved to recommit said bill, with instructions to strike out 3d & 19th sections, and to limit its duration to 50 years.

Mr. Collins moved the previous question,

The motion being seconded, and the question being, shall the main question be now put?

The ayes and noes being ordered by Messrs. Chamberlain and Elliott,

Those who voted in the affirmative were,

Messrs. Arion, Baird of St. Joseph, Beard of Montgomery, Berry, Blair, Carnan, Clark, Collins, Herriott, Hoover, Moffatt, Mount, Parker, Riley, Stafford, Tannehill, Test, and Williams—18.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Bell, Carr, Chamberlain, Dobson, Eggleston, Elliott, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Lowe, McCord, Morgan, Nave, Nickel, Stevenson, Thompson, Watts, and Wright—24.

So the main question was not ordered to be put.

Mr. Beard of St. J., leave being granted, made the following report:

MR. PRESIDENT:

The committee on canals and Internal Improvements, to whom was referred a bill of the House of Representatives No. 367, entitled "a bill for the relief of Clements and Roddick, contractors on the southern division of the central canal," have had the same under consideration and made one amendment thereto, in the 12th line of 1st section, after the word "sustained," insert these words, "and execute to said Board of Internal Improvement a receipt in full for all said damages on said contract, and which shall be so worded as also to amount to a full relinquishment of said contract," with this amendment your committee recommend the passage of said bill;

On motion of Mr. Elliott the bill referred to was laid on the table.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Elliott, bill No. 367, was taken from the table and the rule being suspended, said bill was read a third time and passed.

ORDERS OF THE DAY.

Bill No. 165, was read a third time and passed.

Bill No. 75, of the House, authorizing the State Bank of Indiana

to issue notes of a less denomination than five dollars, was read a second time and laid on the table.

Bill No. 171, was read a second and third times and passed.

Bill No. 263, in relation to the Cross cut canal, was read a second time and referred to a select committee of Messrs. Blair, Moffatt and Dobson.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The House have refused to concur in the amendment of the Senate to bill of the House, No. 168, an act to amend an act approved Feb. 6, 1837, entitled "an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress," approved June 23, 1836, and have appointed Messrs. Defrees and Dunn, a committee of free conference on the part of the House, to act with a similar committee on the part of the Senate, to take into consideration the disagreement of the two Houses on that subject.

Mr. Dobson, leave being granted, offered the following resolution:

Resolved, That the Senate will, the House concurring therein, proceed to the election of a Fund Commissioner to-day, at 4 o'clock; Which was adopted.

Ordered, That the Secretary inform the House of Representatives thereof.

Bill No. 351, of the House, to provide for the further construction of the Madison and Indianapolis rail road, was read a second time.

Mr. Armstrong moved to commit the bill to a select committee with instructions to amend so as to provide:

That so soon as the Boards doing county business in the counties of Jefferson, Jennings, Bartholomew, Johnson, and Marion, shall agree to and enter upon their order book a declaration that said board will, in addition to the rate of taxation assessed on such county, for State and Internal Improvement purposes, direct a levy of 5 cents on the assessment of their respective counties for the term of five years, to be applied to the payment of interest on loans made for the prosecution of said road, and the payment thereof into the State Treasury; or in case of refusal of the board doing county business to make such order, then if any individual or individuals, shall secure the payment of the due proportion of such county of said sum, to be paid annually for five years, to be applied as aforesaid, and on the assurance of the adoption of such provision by the board doing county business in said counties, or the securing of the payments of said sum by individuals as aforesaid to the satisfaction of the Treasurer of State, it shall be the duty of the Treasurer, to notify the Fund Commissioner thereof, and thereupon the Fund Commissioner shall contract for the Iron provided in the bill, and apply the same to the construction of said road.

And strike out so much of said bill as provides for refunding to individuals &c.

Mr. Parker moved to amend said instructions as follows:

Provided, That so soon as any person or persons, or company shall give satisfactory security, to the acceptance of the Board of Internal Improvement, that the White water canal, upon its completion to the National road, will yield a revenue to the State from its water power and tolls, north of Brookville, which shall be equal annually to six per cent per annum, on the sum requisite to complete said canal to the National road, it shall be the duty of said board, to proceed immediately and progress with said work to its completion to said road, if the same can be done with six per cent. American bonds of the State, to be taken at par and as cash, for the work to be done under the existing contracts or at cash estimates, and in that event such bonds shall be duly issued for that purpose, to be paid over semi-annually for the purpose aforesaid.

Mr. Harris moved to lay the proposed amendment on the table.

The ayes and noes being ordered thereon, by Messrs. Parker and Elliott,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Bell, Berry, Carr, Clark, Foster, Hanna, Hargrove, Harris, Herriott, McCord, Moffatt, Nave, Nickel, Riley, Roberts, Stafford, Stevenson, Tannehill, Thompson, and Wright—24.

Those who voted in the negative were,

Messrs. Beard of M., Blair, Carnan, Collins, Cravens, Everts, Elliott, Hackett, Hoover, Lowe, Morgan, Mount, Parker, Test, Watts, and Williams—16.

So said motion prevailed.

Mr. Elliott moved to amend said instructions by adding as follows:

Provided, however, that if the Fund Commissioner of the State cannot realize a sufficient quantity of funds from the suspended debt of the State without the sale of State bonds to meet the July interest for the year 1841, and to redeem the state bonds, hypothecated for the payment of the July interest 1840, and January interest 1841 on the State debt, it shall be the duty of the said Fund Commissioner to receive the Iron due the State from the Morris Canal and banking company, in pig or bar Iron, and sell the same for the purpose of paying said interest and the redemption of said bonds;

The ayes and noes being ordered by Messrs. Parker and Elliott,

Those who voted in the affirmative were,

Messrs. Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Hackett, Hargrove, Lowe, McCord, Mount, Parker, Riley, Test, Thompson, Watts, Williams and Wright—19.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Beard of M., Bell, Berry, Blair, Carr, Everts, Foster, Hanna, Harris, Herriott, Hoover, Moffatt, Morgan, Nave, Nickel, Stafford and Tannehill—20.

So said amendment was not adopted.

And the question being on committing said bill with the instructions proposed by Mr. Armstrong,

It was decided in the affirmative, and Messrs. Armstrong, Nickel and Angle were appointed said committee.

Bill No. 337, was read a second time,

Mr. Lowe moved to amend said bill by striking out the words "Bankable paper," and inserting "current bank paper,"

Which was agreed to.

Mr. Stafford moved to lay said bill on the table,

Which did not prevail,

The rule was suspended and the bill read a third time.

Mr. Chamberlain moved to indefinitely postpone said bill;

The ayes and noes being ordered thereon by Messrs. Chamberlain and Test,

Those who voted in the affirmative were,

Messrs. Arion, Berry, Blair, Carr, Chamberlain, Clark, Collins, Eggleston, Hackett, Harris, Hoover, Lowe, Morgan, Mount, Nave, Riley, Stafford, Test, Watts and Williams—20.

Those who voted in the negative were,

Messrs. Angle, Baird of St. Joseph, Beard of Montgomery, Bell, Carnan, Cravens, Dobson, Elliott, Everts, Ewing, Foster, Hanna, Hargrove, McCord, Moffatt, Nickel, Parker, Tannehill, and Wright—19.

So said bill was indefinitely postponed.

Bill No. 374, for the relief of Eli Davis,

Was read a second and third times, and passed.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

The House has concurred in the amendment of the Senate to bill of the House No. 279, to authorize the erection of a mill dam across Eel river, in Wabash county;

The House has also passed engrossed bills and a joint resolution thereof:

No. 358, an act authorizing purchasers of the Wabash and Erie Canal lands to pay interest thereon;

No. 385, a joint resolution in relation to the affairs of the town of Indianapolis;

No. 386, an act to locate a state road therein named,

In which the concurrence of the Senate is requested.

Bills No. 358, 385 and 386, of the above message, were read three several times, the rule being suspended, and passed.

The following message was received from the House of Representatives by Mr. Carr, a member:

Mr. President—

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bills thereof:

No. 384, an act allowing further time for the assessor of Lawrence county to complete his assessments, and for other purposes.

The House has also concurred in the amendment of the Senate to bill of the House, No. 389, an act to establish a certain state road therein named, and for other purposes,

And has refused to concur in the amendment of the Senate to bill of the House No. 199, to re-locate the county seat of Sullivan county;

Bill No. 384, of the above message, was read three several times, the rules being suspended, and passed.

On motion of Mr. Moffatt,

The Senate adhered to their amendment to bill of the House, No. 199, named in the above message.

The following message was received from the House of Representatives by Mr. Montgomery, a member:

Mr. President:

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bill thereof as follows:

No. 382, to make general appropriations for the year 1841,

In which the concurrence of the Senate is respectfully requested.

Also, the following engrossed bills of the Senate, without amendment:

No. 128, an act to provide for the better regulation of the Indiana University;

No. 167, a joint resolution relative to the publication of the school law;

No. 169, an act amendatory of an act subjecting real and personal estate to execution, app. Feb. 4, 1831.

The House has also concurred in the 1st, 2nd and 3d amendments of Senate to bill No. 135 of House, "to provide for the settlement of disputed claims for labor on the public works;"

And have refused to concur in the 4th amendment of the Senate thereto.

No. 382 of the above message was read three several times, the rule being suspended, and passed.

Mr. Nave moved that the Senate recede from its 4th amendment to bill No. 135.

The ayes and noes being demanded by Messrs. Clark and Dobson,

Those who voted in the affirmative were,

Messrs. Arion, Beard of Montgomery, Bell, Blair, Collins, Elliott, Everts, Ewing, Hanna, Harris, Herriott, Hoover, Moffatt, Morgan, Mount, Nave, Nickel, Riley, Stafford, Stevenson, Tannehill, Test, Watts, and Williams—24.

Those who voted in the negative were,

Messrs. Angle, Armstrong, Berry, Carnan, Carr, Chamberlain, Clark, Cravens, Dobson, Eggleston, Foster, Hackett, Hargrove, Lowe, McCord, Thompson and Wright—17.

So the Senate receded from their amendment.

Mr. Armstrong, from a select committee, leave being granted, made the following report:

Mr. President:

The select committee to which was referred a bill of the House No. 351, to provide for the construction of the Madison and Indianapolis Railroad, together with instructions of the Senate in reference thereto, have, according to order, had the same under consideration, and directed me to report said bill to the Senate with one amendment.

Strike the bill out from the enacting clause, and insert a substitute.

The report was concurred in.

Mr. Blair moved to amend said bill as follows:

Sec. —. That when the Board of Internal Improvement shall be informed that Congress has confirmed the title to the lands claimed by the State of Indiana for the construction of the Wabash and Erie Canal west of Tippecanoe river, it shall be the duty of said Board of Internal Improvement to direct the Fund Commissioners to negotiate a loan or loans, from time to time, by a sale of six per cent. State bonds, provided said bonds can be sold at par and for cash, in all not exceeding the sum appropriated by the third article of the fourth section of the act entitled an act to provide for a general system of internal improvement, approved Jan. 27, 1836; and in addition to the pledges contained in said act, for the payment of said loan or loans, and the interest thereon. The land appropriated by Congress for the construction of said canal, is hereby irrevocably pledged, and in case funds shall be procured, under the provisions of this section, it shall be the duty of the Board of Internal Improvement to proceed with the construction of said

canal, under the provisions of the above recited act, any thing in any act passed at the present session of the General Assembly to the contrary notwithstanding.

The ayes and noes being demanded by Messrs. Dobson and Blair,

Those who voted in the affirmative were,

Messrs. Angle, Beard of Montgomery, Blair, Dobson, Elliott, Ewing, Hargrove, Hoover, Moffatt, Williams, and Wright—11.

Those who voted in the negative were,

Messrs. Arion, Armstrong, Bell, Berry, Carr, Chamberlain, Collins, Cravens, Eggleston, Everts, Foster, Hackett, Hanna, Harris, Herriott, McCord, Morgan, Mount, Nave, Nickel, Parker, Riley, Stafford, Stevenson, Tannehill, Test, Thompson, and Watts—28.

So said amendment did not prevail.

Mr. Elliott moved to amend said bill by adding the proviso which he proposed to the instruction, on referring said bill.

The ayes and noes being ordered by Messrs. Clark and Elliott,

Those who voted in the affirmative were,

Messrs. Blair, Carnan, Clark, Collins, Cravens, Dobson, Eggleston, Elliott, Hackett, Hargrove, Lowe, McCord, Mount, Parker, Riley, Test, Thompson, Watts, and Williams—19.

Those who voted in the negative were,

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Carr, Everts, Ewing, Foster, Hanna, Harris, Herriott, Hoover, Moffatt, Morgan, Nave, Nickel, Stafford, Stevenson, and Tannehill—22.

So said amendment did not prevail.

Mr. Armstrong moved to suspend the rule and read said bill a third time now.

The ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Montgomery, Bell, Berry, Carr, Cravens, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Moffatt, Morgan, Nave, Nickel, Stafford, Stevenson, Tannehill, and Wright—26.

Those who voted in the negative were,

Messrs. Blair, Carnan, Clark, Collins, Dobson, Eggleston, Elli-

ott, Lowe, McCord, Mount, Parker, Riley, Thompson, Watts and Williams—15.

So the rule was not suspended and said bill was ordered to a third reading on Monday next.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

Mr. PRESIDENT—

The House has adopted the following:

Resolved, That the Senate be invited to attend in the House of Representatives, instantler, to proceed to the election of a Fund Commissioner, and that seats be provided on the right of the Speaker's chair.

And directed me to inform the Senate thereof.

The Senate then proceeded to the hall of the House of Representatives for the purpose of proceeding to the election of a Fund Commissioner.

The Convention then proceeded to the election viva voce, and on the first joint vote the result was as follows:

Those who voted for Noah Noble were,

Of the Senate—Messrs. Angle, Arion, Baird of St. Joseph, Beard of Montgomery, Bell, Elliott, Everts, Ewing, Hackett, Hanna, Herriott, Morgan, Mount, Nave, Parker, Stafford, Tannehill, and Williams—18. *Of the House of Representatives*—Messrs. Atherton, Blair, Blankenship, Bradbury, Brenton, Brown Burgess, Butler of Cass, Chrisman, Coffeen, Defrees, Elkins, Goodenow, Graham, Hanna, Harding, Harrah, Harrison, Hiatt, Lancaster, Montgomery of Gibson, Morgan, Newell of White, Quick, Rayburn, Rose, Runyan, Shawhan, Smith of Fayette, Stanford, Strattan, Sweetser of Grant, Sweetser of Marion, Terrill, Woodard, and Judah, speaker—37. Total, 55.

Those who voted for Mason C. Fitch were,

Of the Senate—Messrs. Berry, Carr, Chamberlain, Clark, Collins, Foster, Harris, Lowe, McCord, Riley, Thompson—10. *Of the House of Reps.*—Messrs. Akin, Bowles, Byers, Carr, Clark of Fountain, Clark of Tippecanoe, Conner, Dunbar, Foote, Hamer, Henley, Houghton, Jones, Leslie, Miller, Rawlings, Read, Rippey, Rulon, Schoonover, Shanks, Sloan, and Walpole—23. Total, 34.

Those who voted for Lucius H. Scott were,

Of the Senate—Messrs. Blair, Carnan, Dobson, Hargrove, Hoover, Moffatt, Stevenson, Test, and Wright—9. *Of the House of Representatives*—Messrs. Ball, Burton, Butler of Van-

derburgh, Champer, Coleman, Dowling, Farrington, Howe, Jenckes, Kerr, McCully, Montgomery of Warren, Newell of Fountain, Russell, Shortridge, Smydth of Daviess, and Wilson—17. Total, 26.

Those who voted for Enoch D. John were,

Of the Senate—Messrs. Cravens, Eggleston, and Watts—3. *Of the House of Representatives*—Messrs. Brown, Clark of Dearborn, Cole, Dunn, Durbin, Mason and North—7. Total, 10.

Jas F. D. Lanier received the votes of Mr. Armstrong of the Senate, and Messrs. McCoy and Richey of the House of Representatives.

No gentleman having received a majority of all the votes given, the Convention proceeded to a second vote, which resulted as follows:

Those who voted for Noah Noble were,

Of the Senate—Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Bell, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, Morgan, Mount, Nave, Parker, Stafford, Stevenson, Tannehill, Test, Watts and Williams—21. *Of the House of Rep.*—Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of Cass, Chrisman, Clark of Dearborn, Coffeen, Coleman, Defrees, Dunn, Elkins, Goodenow, Graham, Hanna, Harding, Harrah, Harrison, Hiatt, Lancaster, Montgomery of Warren, Morgan, Newell of White, Quick, Rayburn, Rose, Runyan, Shawhan, Shortridge, Smith of Fayette, Stanford, Stratton, Sweetser of Grant, Sweetser of Marion, Terrell, Wilson, Woodard and Judah, Speaker—43. Total 64.

Those who voted for Mason C. Fitch were,

Of the Senate—Messrs. Armstrong, Berry, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Hackett, Hargrove, Harris, Lowe, McCord, Moffatt, Riley, Thompson and Wright—18. *Of the House of Representatives*—Messrs. Aikin, Bowles, Burton, Butler of Vanderburgh, Byers, Carr, Champer, Clark of Fountain, Clark of Tippecanoe, Cole, Conner, Dowling, Dunbar, Durbin, Farrington, Foote, Hamer, Houghton, Howe, Jenckes, Jones, Kerr, Leslie, McCully, Miller, Montgomery of Gibson, Newell of Fountain, North, Rawlings, Read, Rippey, Rulon, Russell, Schoonover, Shanks, Sloan, Smydth of Daviess, and Walpole—38. Total 56.

James F. D. Lanier received the votes of Messrs. McCoy and Ritchey, of the House of Representatives.

Noah Noble having received a majority of all the votes given, was, by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected Fund Commissioner for the State of Indiana, to serve as such for the term of two years from and after this time.

The Senate then retired to their chamber.

Mr. Eggleston moved a re-consideration of the vote taken on suspending the rules for the purpose of reading a third time the bill of the House, No. 351, for the further construction of the Madison and Indianapolis rail road.

The ayes and noes were demanded thereon by Messrs. Parker and Elliott,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of M., Carnan, Carr, Chamberlain, Collins, Cravens, Eggleston, Everts, Ewing, Foster, Hackett, Hanna, Hargrove, Harris, Herriott, Hoover, Morgan, Nave, Nickel, Stafford, Stevenson, Tannehill and Wright—27.

Those who voted in the negative were,

Messrs. Blair, Clark, Elliott, Lowe, McCord, Mount, Parker, Riley, Test, Thompson, Watts and Williams—12.

So said vote was re-considered.

The question then recurring on suspending the rules for the purpose of reading the said bill a third time now,

The ayes and noes being ordered thereon by Messrs. Armstrong and Elliott,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Mont., Carnan, Carr, Chamberlain, Eggleston, Everts, Ewing, Foster, Hackett, Hanna, Harris, Herriott, Hoover, Morgan, Nave, Nickel, Stafford, Stevenson, Tannehill and Wright—24.

Those who voted in the negative were,

Messrs. Clark, Elliott, Lowe, McCord, Mount, Parker, Riley, Test, Thompson, Watts and Williams—11.

So the rules were suspended, and the bill was read a third time.

On the question, shall the bill pass?

The ayes and noes being ordered thereon by Messrs. Armstrong and Parker,

Those who voted in the affirmative were,

Messrs. Angle, Arion, Armstrong, Baird of St. Joseph, Beard of Mont., Carnan, Carr, Cravens, Everts, Ewing, Foster, Hanna, Harris, Herriott, Hoover, Morgan, Nave, Nickel, Stafford, Stevenson, Tannehill and Wright—22.

Those who voted in the negative were,

Messrs. Blair, Clark, Collins, Dobson, Eggleston, Elliott, Hackett, Lowe, McCord, Mount, Parker, Riley, Test, Thompson, Watts and Williams—16.

So said bill was passed.

Ordered, That the Secretary inform the House of Representatives, and request their concurrence in the amendment of the Senate.

Mr. Parker, from the joint committee of free conference, to which was referred the subject matter of disagreement between the Houses, in relation to the amendments of the Senate to bill of the House of Representatives, No. on the subject of the Surplus Revenue, &c., made the following report:

Insert in the Senate's substitute these sections—

SEC. 9. That it shall be the duty of the Commissioners of the Sinking Fund, on the application of any borrower whose loan is now due, or may fall due in the year 1841, to extend the time of payment of such loan, so that the same shall be paid in five annual payments, at the rate of interest now charged for the State by such Commissioners; and on the present mortgaged security, if deemed by such Commissioners sufficient, or otherwise on satisfactory additional security, the interest to be paid annually in advance, on what remains of the loan as heretofore.

SEC. 10. That the State officer having charge of such loans, shall in like manner on application of any such borrower of the Saline and College funds, extend the loans of said funds, as above provided as to the Sinking Fund; and the Treasurer of State shall from time to time, on the receipt of the principal and interest of said loans, forthwith deposit the same in the nearest Branch of the State Bank of Indiana, subject to the order of the Sinking Fund Commissioners, to be vested in Bank Stock, as in this act provided.

SEC. 11. That it shall be, and it is hereby made the duty of the Board of County Commissioners of every county in this State, to decide at a special session of said Board, to be called for that purpose, on the second Monday in August next, (or in case no such session be called, then it shall be taken as acquiesced in by said Board,) whether or not the Surplus Revenue fund of their county shall be invested in Bank Stock, as provided for in this act; and upon such decision being in the affirmative, the same shall be so vested as herein provided; and, if in the negative, the said County Commissioners shall forthwith at their said session, settle with the Surplus Revenue Agent of their county, and shall thereupon re-appoint such agent, or appoint another agent of said fund, as to them shall seem expedient.

SEC. 12. That nothing in this act shall be construed to subject the said Bank, or any of its Branches, to any liability in regard to any of said funds, until the money therefrom is received by such Bank.

Amend the Senate's substitute thus:—

Second section, second line, strike out "including" and insert "except." In the 5th section, first proviso, end of first line, insert "of the

Surplus Revenue," and strike out these words next following, "of said funds, including the sinking fund." Second proviso, strike out "borrowers of said fund" and insert "borrower of said fund." Fourth proviso, third line, strike out "funds" and insert "said fund."

Which report was concurred in by the Senate.

On motion of Mr. Chamberlain, it was

Resolved, That as an expression of the regard we entertain for Lieut. Governor Hall, President of the Senate, we extend to him our thanks for the dignified, impartial and highly satisfactory manner, in which he has presided over our deliberations.

The vote taken on suspending rule and reading bill, No. to incorporate the Hagerstown canal company, a third time, was re-considered, and the bill was read a third time.

And the bill was amended by striking out the 19th section.

Mr. Chamberlain moved to re-commit said bill, with instructions to limit its charter to 25 years.

The ayes and noes being demanded thereon,

Those who voted in the affirmative were,

Messrs. Carr, Chamberlain, Dobson, Hackett, Hargrove, Harris, Nickel and Watts—8.

Those who voted in the negative were,

Messrs. Angle, Arion, Baird of St. Joseph, Beard of M., Berry, Carnan, Clark, Collins, Eggleston, Everts, Herriott, Hoover, Lowe, McCord, Moffatt, Morgan, Mount, Nave, Parker, Riley, Stafford, Tannehill, Test, Thompson, Williams and Wright—26.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The House have concurred in the third amendment of the Senate to bill of the House, No. 368, making specific appropriations for the year 1841, and in the 1st, 4th, and 5th amendments, with amendments, and have refused to concur in the second amendment of the Senate thereof.

The Senate receded from its second amendment to the above bill.

On motion of Mr. Baird of St. Joseph,

Resolved, That when the Senate next adjourns, it will adjourn to meet at 7 o'clock, this evening.

On motion of Mr. Dobson,

Resolved, That the Enrolling Secretary be, and he is hereby authorized, to employ such assistance as he may deem necessary.

The following message was received from the House of Representatives by a member:

Mr. President:

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bill thereof, No. 383, in which the concurrence of the Senate is requested.

The bill named in the above message was read three several times, the rule being suspended, and passed.

On motion, the Senate adjourned.

7 o'clock, P. M.

The Senate met.

The following message was received from the House of Representatives, by a member:

Mr. President:

The House has passed an engrossed bill thereof,

No. 137, an act to provide for the assessment and collection of the State revenue for the county of Spencer, in the year 1837; and, also, in the county of Cass, due for the year 1839, and have directed me to bring the same to the Senate and ask their concurrence therein.

The bill (No. 137,) named in the above message, was read a first and second times.

Mr. Wright moved to amend said bill, by inserting in the proper place the following:

To be taken from the duplicates of said years as collected of the persons therein charged;

Which did not prevail.

And said bill was read a third time and passed.

A message from the House of Representatives by Mr. Hager, their clerk:

Mr. President—

I am directed by the House to inform the Senate, that the House has concurred in the amendment of the Senate to bill of the House, No. 377, an act to amend an act regulating the practice at law, with an amendment,

In which the concurrence of the Senate is requested.

And have concurred in the amendment of the Senate to No. 379, of the House, a joint resolution relative to Michigan road lands.

The amendment of the House to bill, No. 377, named in the above message, was concurred in.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

Mr. President:

The House has concurred in the report of the committee of free

conference appointed on the part of the House, to act with a similar committee on the part of the Senate, to take into consideration the disagreement of the two houses on the subject of bill No. 168, of the House, to amend an act approved February 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1840.

The House has also passed an engrossed bill thereof,

No. 389, an act supplemental to the act making specific appropriations for the year 1841.

In which the concurrence of the Senate is respectfully requested.

Bill No. 389, named in the above message, was read a first, second and third times and passed.

On motion of Mr. Berry, the vote taken on concurring in the amendment of the House to bill No. 377, was re-considered.

A message from the House of Representatives by Mr. Hager, their clerk:

Mr. President—

The House refuses to concur in the amendment of the Senate to bill of the House, No. 98, and have appointed Messrs. Morgan and Sloan a committee of free conference to act with a similar committee on the part of the Senate, to take into consideration the disagreement of the two houses on this subject.

The House has also concurred in the amendment of the Senate to bill of the House,

No. 341, to incorporate the Lagro and Manchester Turnpike company.

A message from the House of Representatives by Mr. Sweetser of Marion:

Mr. President—

I am directed by the House of Representatives to inform the Senate that the House of Representatives have concurred in the amendment of the Senate to bill No. 351 of the House, entitled a bill to provide for the further construction of the Madison and Indianapolis Rail-road with one amendment; in which they ask the concurrence of the Senate.

On motion of Mr. Baird of St. Joseph, the Senate refused to concur in the amendment of the House to bill No. 351, named in the above message.

The vote taken on the passage of bill No. 137, of the House, was re-considered, on motion of Mr. Thompson.

And by consent said bill was amended by striking out "\$501 48" and inserting "\$491 58;"

And said bill was passed.

Mr. Parker, from the committee on finance, made the following report:

MR. PRESIDENT:

The standing committee on finance, agreeably to order, have had under consideration bill No. 172, of the House, entitled a bill to amend an act entitled an act to create the office of Private Secretary to the Governor, approved February 16, 1838, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

The report was concurred in and said bill indefinitely postponed.

Mr. Parker made the following report:

MR. PRESIDENT—

The standing committee on finance, to whom was referred bill No. 142, of the Senate entitled a bill to amend an act to dissolve the present Board of Internal Improvement, and the Engineer department, approved February 24, 1840, have directed me to report the same back to the Senate and recommend its indefinite postponement, the subject of the bill having been already adjusted by the present General Assembly.

The report was concurred in and said bill indefinitely postponed.

Mr. Ewing made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a petition of E. Harrison and other citizens of Kosciusko county, in relation to electing certain county officers, have had the same under consideration, and have acted upon the subject in sundry bills reported to the Senate, and ask to be discharged from the further consideration thereof.

The report was concurred in.

Mr. Thompson, from the committee on education, introduced a bill in accordance with a resolution, which had been referred to said committee,

No. 170, was read a first, second and third times and passed.

On motion of Mr. Beard of M.,

Resolved, That when the Senate next adjourns it will adjourn to meet at 6 o'clock, A. M. on Monday next.

On motion of Mr. Harris,

Resolved, That the Senate do now take a recess until 9 o'clock this evening.

9 o'clock, P. M.

Mr. Armstrong made the following report:

MR. PRESIDENT—

The committee of free conference appointed to take into consideration the disagreement of the two houses, in reference to bill of the House, No. 98, regulating the taking up of animals going astray and water crafts and other articles of value adrift, have had the subject of disagreement under consideration, and agree as follows:

Adopt the amendment of the Senate with the following amendments:

Strike out of the 5th section of the amendment of the Senate, all after the word "published" in the 7th line to the word "it" in the 21st line, and insert in lieu thereof the 5th and 6th sections of the bill of the House.

After the word "paid," 8th line 11th section, add the following:

Provided, That where the property taken up shall not exceed three dollars in value the justice shall make no return to the clerk, and his fee shall be 25 cents only.

After the 15th section of Senate amendment, add the 20th section of the bill of the House.

Also add the following section:

Sec. —. Any officer who may fail to discharge any of the duties incumbent on him by the provisions of this act shall be liable to indictment in any court having competent jurisdiction; and shall be subject to a fine of not less than \$5 nor more than \$100.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the amendment of the Senate to bill of the House,

No. 137, an act to provide for the assessment and collection of the state revenue for the county of Spencer in the year 1837, and in the county of Cass for the year 1839.

The House has also receded from their amendment to the amendment of the Senate to bill of the House, No. 351, an act to provide for the further construction of the Madison and Indianapolis Railroad, and have concurred in the amendment of the Senate thereto.

The House has also passed an engrossed bill of the Senate as follows:

No. 170, an act in relation to to the surplus revenue.

80 S

A message from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT:

The House has concurred in the report of the committee of free conference appointed on the part of the House acting with a similar committee on the part of the Senate, to take into consideration the disagreement of the two houses on the subject of bill of the House, No. 98, regulating the taking up of animals going astray and water craft and other articles of value adrift.

A message from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

I am directed by the House to inform the Senate, that the House has concurred in the amendment of the Senate to bill of the House, No. 359, an act to establish certain state roads therein named and for other purposes.

The following message was received from the House of Representatives by Mr. Aikin, a member:

MR. PRESIDENT—

The House has receded from its disagreement to the amendment of the Senate to bill of the House, No. 199, to re-locate the county seat of Sullivan county.

A message from the House of Representatives by Mr. Walpole, a member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed, without amendment, engrossed bills of the Senate,

No. 155, an act amendatory to the charter of Michigan City;

No. 158, an act to amend an act entitled an act to incorporate the Indiana Manufacturing company, approved Jan. 20, 1841.

The House has also concurred in the amendment of the Senate to bill of the House,

No. 78, an act providing for the payment of the Bank debt.

The following message was received from the House of Representatives by Mr. Henly, a member:

MR. PRESIDENT—

I am directed by the House to inform the Senate, that the House has concurred in the amendments of the Senate to bill of the House, No. 312, to incorporate the Hagerstown canal company.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the House of Representatives, to-wit:

No. 116, An act for the relief of Joseph H. Hendricks,

And have found the same correctly enrolled.

Mr. Williams made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following enrolled bills of the Senate with the engrossed, and find the same truly enrolled to-wit:

No. 62, an act to classify the public works and for other purposes.

No. 152, an act authorizing certain suits to be brought in the name of the agent of an unincorporated society.

Mr. Williams made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the engrossed bills of the House, and joint resolutions with the enrolled, and find the same truly enrolled, as follows, to-wit:

No. 229, a joint resolution requesting the Governor to enter into a correspondence with the Executive of the State of Ohio, upon the subject of the completion of the Wabash and Erie canal.

No. 306, an act to incorporate the Livonia band of music.

No. 344, a joint resolution in relation to the historical society of the State of New York.

No. 221, an act to amend an act entitled, an act incorporating a seminary in the county of Gibson, and for other purposes, approved Jan. 21, 1836, so far as the same relates to the seminary of Orange county.

No. 166, an act levying a tax for State and internal improvement purposes.

No. 365, an act supplemental to an act, fixing the times of holding circuit courts, in the 8th judicial circuit.

No. 373, a joint resolution relative to the auditor of public accounts.

No. 323, a joint resolution to amend the joint resolution, relative to the auditor of public accounts, approved Feb. 9, 1831.

No. 371, a joint resolution of the General Assembly of the State of Indiana, on the subject of the redemption and cancelling treasury notes.

No. 372, an act defining the manner of selecting petit jurors in Hancock county.

No. 343, an act to amend an act entitled, an act to incorporate the town of Indianapolis, in the county of Marion, approved February, 17, 1838.

No. 285, an act to provide for the appointment of a fund commissioner to collect the suspended debt of the State.

No. 227, an act supplemental to an act subjecting real and personal property to execution, approved Feb. 4, 1831.

A message from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills of the Senate, No. 152, an act authorizing certain suits to be brought in the name of the agent of an unincorporated society.

No. 62, an act to classify the public works and for other purposes.

I have been directed to bring the same to the Senate for the signature of the President thereof.

A message from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bill of the Senate:

No. —, for the relief of Joseph H. Hendricks.

I have been directed to bring the same to the Senate, for the signature of the President thereof.

And the President signed said bill.

A message from the House of Representatives by Mr. Richey, a member:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills of the House:
No. 166, an act levying a tax for State and internal improvement purposes.

No. 221, an act to amend an act entitled, an act incorporating a seminary in the county of Gibson, and for other purposes, approved January 21, 1836.

No. 229, a joint resolution requesting the Governor to enter into a correspondence with the Executive of the State of Ohio, upon the subject of the completion of the Wabash and Erie canal.

No. 306, an act to incorporate the Livonia band of music.

No. 323, a joint resolution to amend the joint resolution relative to the auditor of public accounts, approved Feb. 9, 1831.

No. 365, an act supplemental to an act fixing the time of holding circuit courts in the 5th judicial circuit.

No. 373, a joint resolution relative to the auditor of public accounts.

No. 344, a joint resolution in relation to the historical society of the State of New York.

No. 371, a joint resolution of the General Assembly, on the subject of the redemption and cancelling Treasury notes.

No. 372, an act defining the manner of selecting petit jurors in Hancock county.

No. 343, an act to amend an act entitled, an act to incorporate the town of Indianapolis, in the county of Marion, approved February 17, 1838.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

The following message was received from the House of Representatives by Mr. Dowling, a member:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills of the House:
No. 238, to incorporate the Jonesboro' bridge company.

No. 328, to incorporate the town of Connersville, in Fayette county.

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

A message from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bill of the House:

No. 235, an act to provide for the appointment of a Fund Commissioner, to collect the suspended debt of the State.

I have been directed to bring the same to the Senate, for the signature of the President thereof.

And the President signed said bill.

A message from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following engrossed bill of the House:

No. 227, an act supplemental to an act subjecting real and personal property to execution, approved Feb. 4, 1831.

I have brought the same to the Senate for the signature of the President.

The President signed said bill.

Mr. Williams made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills, report that they have presented to his Excellency the Governor, for his approval and signature, bills of the Senate, as follows, to-wit:

No. 244, an act to fix the times of holding the courts in the 6th judicial circuit.

No. 154, an act to incorporate the Centre Church of Crawfordsville.

No. 153, an act to enable George G. Dunn, guardian of the minor heirs of Moses Fell, deceased, to convey certain real estate.

No. 151, an act changing the name of William Wallace.

No. 136, an act repealing all laws now in force authorizing the sale of State bonds for internal improvements.

No. 134, an act to amend an act entitled, an act relative to crime and punishment, approved Feb. 10, 1831.

No. 57, an act to provide for the improvement of the Michigan road.

No. 62, an act to classify the public works, and for other purposes.

No. 152, an act authorizing certain suits to be brought in the name of the agent of an unincorporated society.

Mr. Harris made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills, report, that they did, on this day, present to his Excellency the Governor, for his approval and signature, the following enrolled bill of the House of Representatives, to-wit:

No. 285, an act to provide for the appointment of a Fund Commissioner, to collect the suspended debt of the State.

Mr. Harris made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did, on this day, present to his Excellency the Governor, for his approval and

signature, the following enrolled bill of the House of Representatives:

No. 116, an act for the relief of Joseph H. Hendricks.

Mr. Williams made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they have presented to his Excellency the Governor, for his approval and signature, bills and joint resolutions of the House, as follow, to-wit:

No. 229, a joint resolution requesting the governor to enter into a correspondence with the Executive of the State of Ohio, upon the subject of the completion of the Wabash and Erie canal.

No. 306, an act to incorporate the Livonia band of music.

No. 344, a joint resolution in relation to the historical society of the State of New York.

No. 166, an act levying a tax for State and internal improvement purposes.

No. 221, an act to amend an act entitled, an act incorporating a seminary in the county of Gibson, and for other purposes, approved Jan. 21, 1836, so far as the same relates to the seminary of Orange county.

No. 365, an act supplemental to an act fixing the times of holding circuit courts in the 8th judicial circuit.

No. 323, a joint resolution, to amend the joint resolution, relative to the auditor of public accounts, approved Feb. 9, 1831.

No. 373, a joint resolution relative to the auditor of public accounts.

No. 371, a joint resolution of the General Assembly of the State of Indiana, on the subject of the redemption and cancelling Treasury Notes.

No. 372, an act defining the manner of selecting petit jurors in Hancock county,

No. 343, an act to amend an act entitled, an act to incorporate the town of Indianapolis, in the county of Marion, approved February 17, 1838.

No. 227, an act supplemental to an act subjecting real and personal property to execution, approved Feb. 4, 1831.

The following message was received from his Excellency the Governor, by Mr. Moore, his private Secretary:

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has this day approved and signed,

An act to enable George G. Dunn, guardian of the minor heirs of Moses Fell, deceased, to convey certain real estate.

An act to fix the times of holding the courts in the 6th judicial circuit.

An act to incorporate the Centre Church of Crawfordsville.

An act changing the name of William Wallace.

An act repealing all laws now in force authorizing the sale of State bonds for internal improvements.

An act to amend an act entitled, an act relative to crime and punishment, approved Feb. 10, 1831.

An act to provide for the improvement of the Michigan road.

An act authorizing certain suits to be brought in the name of the agent of an unincorporated society.

An act to classify the public works and for other purposes.

On motion, the Senate adjourned.

MONDAY MORNING, FEBRUARY 15, 1841.

The Senate assembled.

Mr. Harris, from a select committee, made the following report:

MR. PRESIDENT—

The select committee to whom were referred sundry petitions of the citizens of Carroll county, praying for the organization of a new county, out of certain territory to be taken from the counties of Carroll and Clinton, and also a petition of eighty-two citizens of the county of Tippecanoe, praying to be attached to the county of Carroll, have had the same under their consideration, and have instructed me to report that it would be inexpedient to legislate upon those subjects at present;

Which was concurred in by the Senate.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House of Representatives, to-wit:

No. 26, an act to amend an act to incorporate the Lawrenceburgh Bridge company, approved, January 24, 1837;

No. 48, an act to authorize the sale of certain school lands in the county of Jay;

No. 61, an act to authorize the payment of contractors on the Wabash and Erie Canal, east of Tippecanoe River;

No. 78, an act providing for the payment of the Bank debt;

No. 198, an act to repeal an act vacating a part of the town of Milford, in the county of Kosciusko, approved, January 22, 1839;

No. 233, an act to repeal an act to repeal a certain act in Dearborn county therein named, approved, February 5, 1839;

No. 251, an act to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes;

No. 259, an act to secure the safety of the public funds, by requiring bonds of certain officers;

No. 275, an act for the relief of Andrew Wilson;

No. 281, an act to incorporate the Indianapolis Band of Musicians;

No. 305, an act to amend an act to provide for the distribution of the laws and journals, and for other purposes, approved, February 10, 1831;

No. 313, an act to amend an act entitled, an act to amend an act to provide for draining Lost Creek in Vigo county;

No. 314, an act relative to lands returned to the School Commissioner of Laporte county;

No. 326, an act to incorporate the Marion and Wabash Turnpike company;

No. 340, an act to vacate part of a state road therein named;

No. 341, an act to incorporate the Lagro and Manchester Turnpike Company.

No. 356, an act to incorporate the Portage Bridge Company;

No. 369, an act to provide for the payment of debts contracted by the late Mayor and Common Council of the town of Lafayette, under the charter of said town, approved, February 4, 1837;

Also, the following enrolled with the engrossed bills of the Senate, to-wit:

No. 115, an act for the relief of Ann Gertrude Brick, and Adam and Maurice Brick;

No. 131, an act providing for a state road in the counties of Allen and Huntington;

No. 137, an act more effectually to secure the purity of elections;

No. 149, an act to amend an act entitled, an act relating to county seminaries, and for other purposes;

No. 154, an act to repeal an act to incorporate the town of Lebanon in Boone county;

No. 156, an act to repeal an act therein named, relative to a state road in Delaware county;

No. 157, an act to incorporate the Washington Band of Laporte;

No. 159, an act for the relief of the collector of Scott county for the years 1834 and 1835;

And have found the same correctly enrolled.

MR. PRESIDENT—

The speaker having signed the following enrolled bills of the House and Senate,

No. 332, concerning petit jurors in certain cases therein named;

No. 131, providing for a state road in Allen and Huntington counties;

No. 137, more effectually to secure the purity of elections;

No. 149, to amend an act relative to county seminaries;

No. 251, to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes;

No. 190, to repeal an act vacating a part of the town of Milford; in the county of Kosciusko;

No. 78, providing for the payment of the Bank debt;

No. 312, to incorporate the Hagerstown Canal Company;

No. 48, to authorize the sale of certain school lands in Jay county;

No. 313, to amend an act to amend an act to provide for draining Lost Creek in Vigo county;

No. 36, to amend an act to incorporate the Lawrenceburgh Bridge Company, approved, January 24, 1837;

No. 305, to amend an act to provide for the distribution of the laws and journals, February 10, 1831.

No. 340, vacating part of a state road therein named;

No. 281, to incorporate the Indianapolis Band of Musicians;

No. 259, to secure the safety of the public funds by requiring bonds of certain officers;

No. 115, for the relief of Ann Gertrude Brick and Adam and Maurice Brick;

No. 159, for the relief of the collector of Scott county in the years 1834 and 1835;

No. 194, to protect lands mortgaged to the state from forfeiture for the non-payment of corporation taxes;

No. 314, relative to lands returned to the school commissioner of Loporte county;

No. 341, to incorporate the Lagro and Manchester Turnpike Company;

No. 275, for the relief of Andrew Wilson;

No. 356, to incorporate the Portage Bridge Company;

No. 150, to repeal an act to incorporate the town of Lebanon in Boone county;

No. 326, to incorporate the Marion and Wabash Turnpike Company;

No. 61, to authorize the payment of contractors on the Wabash and Erie Canal, east of the mouth of Tippecanoe river;

No. 233, to real an act to repeal a certain act in Dearborn county therein named, approved Feb. 5, 1839;

No. 156, to repeal an act therein named relative to a state road in Dearborn country;

No. 338, to incorporate the town of Connersville in Fayette county;

I have been directed to bring the same to the Senate for the signature of the President thereof.

Mr. Harris, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report that they did, on this day, present to his Excellency the Governor, for his approval and sig-

nature, the following enrolled bills of the House of Representatives, to-wit:

No. 26, an act to amend an act to incorporate the Lawrenceburgh Bridge Company, approved Jan. 24, 1837;

No. 48, an act to authorize the sale of certain school lands in the county of Jay;

No. 61, an act to authorize the payment of contractors on the Wabash and Erie Canal, east of Tippecanoe river;

No. 78, an act providing for the payment of the Bank debt;

No. 198, an act to repeal an act vacating a part of the town of Milford, in the county of Kosciusko, approved Jan. 22, 1839;

No. 233, an act to repeal an act to repeal a certain act in Dearborn county therein named, approved February 5, 1839;

No. 259, an act to secure the safety of the public funds, by requiring bonds of certain officers;

No. 275, an act for the relief of Andrew Wilson;

No. 251, an act to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes;

No. 281, an act to incorporate the Indianapolis Band of Musicians;

No. 305, an act to amend an act to provide for the distribution of the laws and journals, and for other purposes, approved February 10, 1831;

No. 313, an act to amend an act entitled an act to amend an act to provide for draining Lost Creek in Vigo county;

No. 314, an act relative to lands returned to the school commissioner of Laporte county;

No. 326, an act to incorporate the Marion and Wabash Turnpike Company;

No. 340, an act incorporate the Lagro and Manchester Turnpike Company;

No. 341, an act to incorporate the Portage Bridge Company;

No. 356, an act to incorporate the Portage Bridge Company;

No. 399, an act to provide for the payment of debts contracted by the late mayor and common council of the town of Lafayette, under the charter of said town, approved Feb. 4, 1837;

Also, the following enrolled bills of the Senate, to-wit:

No. 115, an act for the relief of Ann Gertrude Brick and Adam and Maurice Brick;

No. 131, an act providing for a state road in the counties of Allen and Huntington;

No. 137, an act more effectually to secure the purity of elections;

No. 149, an act to amend an act entitled an act relating to county seminaries, and for other purposes;

No. 154, an act to repeal an act to incorporate the town of Lebanon in Boone county;

No. 156, an act to repeal an act therein named, relative to a state road in Delaware county;

No. 157, an act to incorporate the Washington Band of Laporte;

No. 159, an act for the relief of the collector of Scott county for the years 1834 and 1835;

No. 137, an act to provide for the assessment and collection of the State revenue in the county of Spencer, due for the year 1837, and also to provide for the assessment and collection of the State revenue in the county of Cass, due for the year 1839,

No. 382, an act to make general appropriations for the year 1841.

No. 370, a joint resolution on the subject of the State board of equalization,

No. 379, a joint resolution on the subject of Michigan road lands.

No. 171, an act declaring a certain name therein a misprint, and for other purposes,

No. 384, an act allowing further time for the Assessor of Lawrence county to complete his assessments, and for other purposes,

No. 385, a joint resolution in relation to the affairs of the town of Indianapolis,

No. 376, a joint resolution relative to the Superintendents of the State prison,

No. 374, an act for the relief of Eli Davis,

No. 386, an act to amend an act entitled, an act to establish a certain State road therein named, and for other purposes, approved Feb. 24th, 1840,

No. 358, an act authorizing purchasers of the Wabash and Erie canal lands to pay interest thereon,

No. 131, an act for the relief of Edward H. Jacot,

No. 174, an act for the relief of owners of Indian reservations,

No. 160, an act, supplemental to an act, pointing out the mode of levying taxes,

No. 324, an act for the relief of Thomas Nichols,

No. 165, an act to tax individual stock in the several Branches of the State Bank of Indiana,

No. 389, an act, supplemental to an act, making specific appropriations for the year 1841,

No. 199, an act to re-locate the county seat of Sullivan county,

No. 169, an act to revise and amend an act incorporating congressional townships, and providing for public schools therein, approved February 17, 1839,

No. 368, an act making specific appropriations for the year 1841,

No. 361, an act, supplemental to an act, entitled an act to provide for the completion of that portion of the Cross-cut canal which lies between the feeder dam and Terre Haute, approved January 30, 1841,

No. 351, an act to provide for the further construction of the Madison and Indianapolis rail road,

No. 359, an act to establish certain State roads therein named, and for other purposes,

No. 98, an act regulating the taking up of animals going estray, and water craft and other articles of value adrift,

No. 312, an act to incorporate the Hagerstown canal company. And find the same correctly enrolled.

Mr. Williams, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills report, that they have compared the following enrolled bills and joint resolutions of the Senate, with the engrossed, and find the same truly enrolled, to wit:

No. 169, an act amendatory to an act, entitled an act subjecting real and personal estate to execution, approved February 4th, 1831.

No. 167, a joint resolution relative to the publication of the school law.

No. 128, an act to provide for the better regulation of the Indiana University.

No. 158, an act to amend an act, entitled an act to incorporate the Iron Manufacturing Company, approved January 20, 1841.

No. 162, an act to provide for the payment of the interest on the public debt of the State of Indiana, and for the redemption of the Treasury notes of the State.

No. 155, an act amendatory to the charter of Michigan City.

And find the same truly enrolled.

Mr. Williams, from the committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they have presented to his Excellency, the Governor, bills and joint resolutions of the House, as follows, to-wit:

No. 168, an act to amend an act approved February 6, 1837, entitled an act to provide for distributing so much of the Surplus revenue of the United States, as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved January 23, 1836.

No. 383, an act supplemental to an act passed at the present session of the General Assembly, entitled an act for the relief of Andrew Wilson.

No. 279, An act to authorize the erection of a Mill dam across Eel river, in Wabash county.

No. 137, an act to provide for the assessment and collection of the state revenue in the county of Spencer, due for the year 1837, and also to provide for the assessment and collection of the State revenue in the county of Cass, due for the year 1839.

No. 382, an act to make General appropriations for the year 1841.

No. 370, a joint resolution on the subject of the State Board of Equalization.

No. 171, an act declaring a certain name therein a misprint and for other purposes.

No. 379, a joint resolution on the subject of Michigan road lands.

No. 384, an act allowing further time for the assessor of Lawrence county to complete his assessments and for other purposes.

No. 385, a joint resolution in relation to the affairs of the town of Indianapolis.

No. 376, a joint resolution relative to the superintendents of the State Prison.

No. 374, an act for the relief of Eli Davis.

No. 386, an act to amend an act entitled, an act to establish a certain state road therein, and for other purposes, approved February 24, 1840.

No. 358, an act authorizing purchasers of the Wabash and Erie canal lands to pay interest thereon.

No. 131, an act for the relief of Edward H. Jacot.

No. 174, an act for the relief owners of Indian reservations.

No. 160, an act supplemental to an act, pointing out the mode of levying taxes.

No. 324, an act for the relief of Thomas Nichols.

No. 165, an act to tax individual stock in the three several Branches of the State Bank of Indiana.

No. 389, an act supplemental to an act making specific appropriations for the year 1841.

No. 199, an act to relocate the county seat of Sullivan county.

No. 169, an act to revise and amend an act incorporating Congressional townships, and providing for public schools therein, approved Feb. 17, 1839.

No. 312, An act to incorporate the Hagerstown canal company.

No. 368, an act making specific appropriations for the year 1841.

No. 361, an act supplementary to an act entitled, an act to provide for the completion of that portion of the cross-cut canal, which lies between the feeder dam and Terre Haute, approved January 30, 1841.

No. 351, an act to provide for the further construction of the Madison and Indianapolis rail-road.

No. 359, an act to establish certain State roads therein named and for other purposes.

No. 98, an act regulating the taking up of animals going astray, and water-craft and other articles of value adrift.

Mr. Williams, from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills report that they have presented to his Excellency the Governor, for his approval and signature, bills and joint resolutions of the Senate, as follows, to-wit:

No. 169, an act amendatory to an act entitled, an act subjecting real and personal estate to execution, approved Feb. 4, 1831.

No. 167, a joint resolution relative to the publication of the school law.

No. 128, an act to provide for the better regulation of the Indiana university.

No. 158, an act to amend an act entitled, an act to incorporate the Iron Manufacturing Company, approved Jan. 20, 1841.

No. 162, an act to provide for the payment of the interest on the public debt of the State of Indiana, and for the redemption of the Treasury Notes of the State.

No. 155, an act amendatory to the charter of Michigan city.

The following message was received from the House of Representatives by Mr. Hager, their clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills of the House and Senate:

No. 369, to provide for the payment of debts contracted by the late mayor and common council of the town of Lafayette, under the charter of said town, approved Feb. 4, 1837.

No. 288, to incorporate the Jonesboro' bridge company.

No. 157, to incorporate the Washington band of Laporte.

No. 135, to provide for the settlement of suspended claims for labor on the public works,

I have been directed to bring the same to the Senate for the signature of the President thereof.

The following message was received from the House of Representatives by Mr. Bennett, their assistant clerk:

MR. PRESIDENT—

The Speaker having signed the following enrolled bills:

No. 361, supplementary to an act to provide for the completion of that portion of the Cross-cut canal, which lies between the Feeder dam and Terre Haute, approved Jan. 30, 1841.

No. —, regulating the taking up of animals going astray, and water-craft and other articles of value adrift.

No. 359, to establish certain State roads therein named, and for other purposes.

An act making specific appropriations for the year 1841.

No. 351, to provide for the further construction of the Madison and Indianapolis rail-road,

I have been directed to bring the same to the Senate for the signature of the President thereof.

And the President signed said bills.

MR. PRESIDENT—

I am directed by the House to inform the Senate, that the House has adopted the following resolution:

Resolved, That a committee of two be appointed on the part of the

House, to act with a similar committee on the part of the Senate, to wait upon the Governor, and inform him that both Houses of the General Assembly have completed their legislative business, and are now ready to adjourn *sine die*, if he have no further communication to make to them.

And Messrs. Jenckes and Terrill are appointed said committee on the part of the House.

Which resolution was reciprocated, and Messrs. Hanna and Armstrong were appointed said committee on the part of the Senate.

MR. PRESIDENT—

I am directed by the Governor to inform the Senate that he has this day approved and signed,

A joint resolution relative to the publication of the School law;

An act to amend an act entitled an act to incorporate the Indiana Iron Manufacturing company, approved January 20, 1841;

An act amendatory to an act entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1831;

An act to provide for the payment of the interest on the public debt of the State of Indiana, and for the redemption of the treasury notes of the state;

An act to provide for the better regulation of the Indiana University;

An act amendatory to the charter of Michigan City;

An act for the relief of Ann Gertrude Brick and Adam and Maurice Brick;

An act to incorporate the Washington Band of Laporte;

An act to repeal an act to incorporate the town of Lebanon in the county of Boone;

An act to repeal an act therein named relative to a state road in Delaware county;

An act to amend an act entitled an act relative to county Seminaries;

An act more effectually to secure the purity of elections;

An act providing for a state road in the counties of Allen and Huntington;

An act relative to lands returned to the school commissioner of Laporte county;

An act for the relief of the collectors of Scott county for the years 1834 and 1835.

The following report was made by Mr. Hanna:

MR. PRESIDENT:

The joint committee appointed on the part of the Senate to act with a similar committee on the part of the House of Representatives, to wait on the Governor, and learn of him if he has any fur-

ther communications to make have performed that duty, and received for answer that he has no further communications to make.

A message from the House of Representatives, by Mr. Hager, their clerk:

MR. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be informed that the House of Representatives have gone through their legislative business of the present session, and are now ready to adjourn *sine die*.

A similar resolution was adopted and sent to the House, and then,

On motion of Mr. Armstrong,

The Senate adjourned *sine die*.

82 S

INDEX.

A

ABSENCE.

	PAGE.
Leave of granted to Mr. Aker, - - - - -	96
“ “ to Mr. Chamberlain, - - - - -	109
“ “ to Mr. Mendenhall, - - - - -	353

ADJOURNMENT.

Resolution adjourning over till Monday, - - - - -	119
Resolution to adjourn <i>sine die</i> , - - - - -	290
Further action on the resolution, - - - - -	432, 3, 5, 6

APPORTIONMENT.

So much of Governor's message as relates to, referred to a select committee of one from each judicial circuit, -	56
Members of committee (resolution number two on Governor's message,) - - - - -	58
Resolution instructing committee, - - - - -	80
Bill reported by committee - - - - -	139
Bill reported by Mr. Watts, - - - - -	141
Bill reported by committee passed, - - - - -	167
Bill passed House of Representatives, - - - - -	195
Further action on the bill - - - - -	214, 15
Report of committee of free conference concurred in, - - - - -	225

AUDITOR.

Makes his annual report, - - - - -	11
Election of, - - - - -	38
Makes report in regard to his salary, fees, &c., - - - - -	61

AYES AND NOES.

On election of sergeant at arms, - - - - -	6
On laying on table resolution relative to taking papers, - - - - -	7
On laying on the table petition of Nancy Day for divorce, - - - - -	8
On taking from table resolution relative to taking newspapers, - - - - -	28
On laying on table bill for the relief of collector of Laporte county, - - - - -	44
On re-considering motion to lay the same on the table, - - - - -	45
On motion to refer the bill to judiciary committee, - - - - -	45
On passage of the bill - - - - -	45

	PAGE.
On passage of bill for the relief of J. S. Reed, - - -	46
On laying on table resolution referring to a committee so much of Governor's message as relates to abuses of federal government, - - -	58
On reference of bill relative to borrowers of sinking fund, &c.	59
On various propositions in relation to bill of House of Representatives to stop the per diem allowance of members, -	62, 65
On referring petition of Peter McKousky for divorce, -	65
On laying on table resolution relative to individual notes, -	69
On Mr. Watt's amendment to resolution, - - -	69
On adoption of resolution, - - -	70
On laying on table resolution relative to redemption of Treasury Notes, - - -	70
On dispensing with rules to read 2d time joint resolution of H. R. relative to rail road iron, - - -	89
On passage of said joint resolution, - - -	89
On amending Mr. Parker's resolution relative to the payment of the bank debt by prohibiting issue of small notes, -	97
On several propositions relative to Mr. Cravens' resolution calling on directors of state bank in relation to appointment of committee to confer with the legislature, -	101, 102
On sundry motions in relation to report of judiciary com. against the constitutionality and expediency of the legislature granting divorces, - - -	107
On dispensing with rules and reading 3d time bill to make a new circuit, &c., - - -	129
On the passage of bill, - - -	130
On printing Mr. Palmer's communication in reference to state bonds, - - -	136
On re-considering the vote on the passage of bill to equalize the Circuits, &c. - - -	139
On re-committing the bill to the judiciary committee, -	140
On re-considering the vote on re-committing the bill, -	140
On the passage of the bill, - - -	140
On adopting resolution relative to \$5 treasury notes, -	141
On referring bill to pay the bank debt to committee on modification, - - -	142
On discharging the committee on finance from the further consideration of the bill to pay the bank debt, -	143
On referring to finance committee the bill relative to borrowers of the sinking fund, &c. - - -	151
On laying on table apportionment bill, - - -	154
On taking up resolutions separating the bank and internal improvement system, - - -	154
On amending bill relative to public printer, - - -	158
On re-committing apportionment bill, - - -	166
On amendment of committee to the bill, - - -	167

	PAGE.
On the passage of the bill, - - -	167
On the passage of bill relative to the public printing, -	170
On amending joint resolution in relation to repeal of the sub-treasury bill, - - -	173
On allowing judges a per-diem during the session of the courts in addition to their salary, - - -	193
On restricting the jurisdiction of supreme court, - - -	193
On increasing the salary of supreme judges, - - -	194
On concurring in amendments of House of Representatives, to bill No. 45 of Senate for apportioning the Senators and Representatives, - - -	196, 197, 198
On laying on table joint resolution relative to the debts of the state - - -	202
On laying on table bill to prevent amalgamation of whites and blacks, - - -	204
On ordering the bill to a third reading, - - -	205
On amendment to bill authorizing a special election for Representatives in Congress, - - -	205
On amendment to bill revising certain acts relative to stay of execution, - - -	208
On adjourning, - - -	209
On passage of joint resolution in relation to a National Bank, - - -	210
On rejection of bill amending act regulating general elections so as to confine voters to their respective townships, - - -	214
On passage of bill relative to special election of members of Congress, - - -	228
On passage of bill to amend the act to prohibit the amalgamation of whites and blacks, - - -	229
On laying on table bill suspending Public works, - - -	230
On striking out appropriations for furnishing Governor's House, - - -	230
On passage of joint resolution relative to amending Constitution of United States, - - -	232
On various propositions connected with the bill to prohibit the issuing or circulating small notes by individuals - - -	242, 246
On printing report of Mr. Carnan from committee on federal relations, in relation to a tariff and the public lands, - - -	247
On indefinitely postponing joint resolution relative to the sub-treasury, - - -	259
On the passage of said joint resolution, - - -	260
On amendment to bill suspending Public works, - - -	260
On various propositions on the subject of modifying the system of internal improvement, - - -	260—278

On refusing to concur in amendments of H. R. to bill of the Senate equalizing the circuits, &c., - - -	PAGE. 281
On Mr. Watts' amendment to Mr. Cravens' amendment to Laughery Bridge bill, - - -	285
On re-considering the vote concurring in the amendment of the committee on modification to bill suspending the Public works, - - -	287
On re-considering vote on Mr. Hanna's amendment, - - -	288
On Mr. Dobson's motion to amend amendment, - - -	288
On laying bill and amendment on the table, - - -	289
On laying on table resolution fixing time of adjournment	290
On adopting said resolution, - - -	290
On taking up bill No. 55 of Senate to modify the system of Internal Improvement, - - -	294
On repealing the act repealing the bounty of wolf scalps, - - -	300
On laying on the table bill prohibiting the issue of individual notes or bills under \$5, - - -	304
On the passage of the bill, - - -	305
On passage of joint resolution relative to the public lands, - - -	304
On indefinite postponement of bill abolishing capital punishment, - - -	312
On receding from amendment to bill H. R. relative to individual notes, - - -	314
On re-considering vote insisting on amendment, - - -	315
On receding from said amendment, - - -	316
On taking up bill suspending public works, - - -	318
On re-committing petitions relative to Kosciusko county seat, &c., - - -	320
On Mr. Ewing's proposition to pay sinking fund into treasury - - -	323
On concurring in amendment of H. R. relative to printing - - -	324
On indefinite postponement of bill of H. R. concerning the selection of petit jurors - - -	325
On laying the bill on the table - - -	325
On amending the bill - - -	326
On printing report from board of internal improvements, - - -	334
On numerous motions in reference to the bill reported by the committee on modification - - -	343—346
On Mr. Moffatt's amendment to Mr. Parker's instructions in reference to small note bill, - - -	348
On committing the bill with the instructions - - -	348
On reference of joint resolution No. 119 of Senate - - -	360
On laying on table Mr. Test's amendment - - -	360
On indefinite postponement of bill relative to fugitives from labor - - -	361
On various propositions to amend bill No. 55 of Senate, to modify the internal improvement system, - - -	365—376
On passage of bill for the relief of M. S. Wines, - - -	381
On resolution in regard to the order of business, - - -	384—386

On amending modification bill, - - -	PAGE. 386
On striking out modifying bill, - - -	388
On inserting Mr. Thompson's amendment, - - -	388
On re-committing bill and amendments to committee on canals and internal improvements - - -	390
On Mr. Angle's amendment to Mr. Parker's substitute, - - -	391
On re-considering vote on striking out Green fork feeder dam, - - -	391
On motion to strike out - - -	392
On amendment to bill providing for the purity of elections, - - -	394
On several propositions in relation to Mr. Parker's substitute for modification bill, - - -	395, 397, 8, 9, 400
On indefinite postponement of bill for the relief of the Miami Indians - - -	396
On passage of modification bill, - - -	400
On taking up bill for completion of cross-cut canal - - -	404
On rejecting bill 227 of H. R. relative to appraisement, &c., - - -	405
On committing it to judiciary committee, - - -	405
On striking it out from enacting clause - - -	405
On passage of bill to authorize the seminary trustees of Randolph county to borrow money - - -	406
On several propositions relative to joint resolution on the subject of pre-emption, - - -	409, 410
On passage of the joint resolution - - -	410
On referring joint resolution relative to the sale of state bonds, - - -	414
On amendment to instructions, - - -	415
On indefinite postponement of bill for divorce of Nancy Day - - -	416, 417
On laying on table bill No. 112 of the Senate - - -	417
On Mr. Watt's amendment to cross-cut canal bill - - -	421
On Mr. Lowe's amendment to same - - -	422
On Mr. Armstrong's proviso to same, - - -	422
On reading the bill a third time - - -	423
On the passage of bill - - -	423
On various amendments to bill of the H. R., No. 100, to provide in part for the payment of the interest on the public debt, - - -	427—431
On the passage of the bill, - - -	431
On laying on table adjourning resolution - - -	432
On concurring with amendment - - -	432
On adopting resolution requesting its return from H. R. - - -	433
On laying on the table modification resolution - - -	434
On taking up bill suspending the further prosecution of public works, - - -	434
On re-considering the vote concurring in resolution relative to adjournment, - - -	436

	PAGE.
On striking out 15th of February and inserting 8th, - - -	436
On concurring in amendment of H. R. - - -	436
On passage of bill for the revision of the laws - - -	437
On engrossing bill of Senate for redemption of treasury notes - - -	447
On passage of bill to pay the bank debt, - - -	451
On amending bill fixing the salaries of auditor, secretary, and treasurer, - - -	452, 453
On passage of bill, - - -	453
On indefinite postponement of bill in relation to Blackford and Jay counties - - -	456
On various propositions in reference to a modification of the system of internal improvements - - -	457—463
On passage of bill suspending the further prosecution of the public works - - -	463
On several propositions in relation to the bill to value the property of the state, - - -	468—470
On the passage of the bill, - - -	470
On reading 3d time the bill prescribing the duties of county auditor, - - -	478
On the passage of the bill, - - -	481
On amendments to bill pointing out the mode of levying the taxes, - - -	483
On the passage on the bill, - - -	484
On the passage of the bill prescribing the duties of county treasurer, - - -	486
On postponing joint resolution to suspend the act to provide for a keeper of the state house and library, - - -	487
On the passage of bill to amend the act for the formation of Blackford county, - - -	487
On bill repealing all laws now in force authorizing a sale of state bonds for internal improvements, - - -	488
On reference of joint resolution relative to state bonds wrongfully obtained, - - -	489
On joint resolution relative to the distribution of the proceeds of the public lands, - - -	497
On bill repealing all laws now in force authorizing the sale of state bonds for internal improvement purposes, - - -	501
On postponing bill relative to special bail, - - -	503
On instructions in regard to bill in reference to surplus rev. - - -	504
On various propositions respecting bill No. 62, of the Senate, as amended in House of Representatives in relation to suspending the public works, - - -	516—523
On reciprocating resolution of House of Repre. to proceed to the election of keeper of state house, and librarian, - - -	525
On laying on the table the joint resolution of the Senate in regard to state bonds improperly obtained, - - -	528
On passage of bill in relation to selecting petit jurors, - - -	536
On amending bill in relation to executions, - - -	538
On suspending rules to read a second time the revenue bill, - - -	539

	page.
On passage of bill supplemental to act subjecting real and personal estate to execution, - - -	543
On passage of bill to amend the act relative to crime and punishment, - - -	544
On laying on the table the bill for the formation of Tipton county, - - -	545
On engrossment of bill for the relief of stockholders in the Lawrenceburgh and Indianapolis rail road company, - - -	552
On passage of bill relative to work done on the Wabash and Erie canal, - - -	554
On a variety of propositions in relation to the bill to levy a tax for state and internal improvement purposes, - - -	557—560
On passage of bill No. 162, of the Senate, for payment of interest on the public debt, &c., - - -	560
On taking up bill to amend the act to dissolve the board of internal improvement, fund commissioners, &c. - - -	561
On referring the bill to committee on finance, - - -	561
On disagreeing to the amendments of the House to the amendments of the Senate to bill of the House, No. 227, in relation to the execution and appraisal of property, - - -	563
On the bill to amend the act to incorporate the city of Richmond, - - -	567
On laying on the table bill and amendments in relation to surplus revenue, &c., - - -	571
On several motions in relation to the bill providing for the election of a fund commissioner, - - -	579—582
On the passage of the revenue bill, - - -	587
On several questions in relation to the bill concerning the surplus revenue, increasing bank stock, &c., - - -	588—594
On the passage of the bill, - - -	594
On the bill to provide for the appointment of a fund commissioner, - - -	602
On the bill to provide for the further construction of the Madison and Indianapolis rail road, - - -	606
On the amendment of a bill to provide for the collection of taxes in Cass county, - - -	614
On receding from amendment of Senate to bill of House of Representatives, No. 168, in relation to the surplus revenue, &c., - - -	616
On insisting, - - -	616
On appointing a committee of free conference, - - -	616
On suspending order of business, - - -	617
On Hagerstown canal bill, - - -	617
On Madison rail road bill, - - -	620
On receding from 4th amendment of Senate to bill No. 135, of the House of Representatives, - - -	623
On Madison rail road bill, - - -	624
On Madison rail road bill, - - -	627

BILLS OF THE SENATE.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed H. R.	Other proceedings.	Approved.
1	A bill for the relief of Cecil Brandt, - - -	8 13, 29		44	75 98, 99,		119
2	A bill for the relief of J. S. Reed, - - -	10 10, 28, 40, 41		46	75 84,		83
3	A bill to attach White, Pulaski, and Fulton counties to the 8th judicial circuit, and for the formation of the 12th judicial circuit, - - -			130	281, 292, 293		313
4	A bill for the relief of the collector of Laporte county, - - -	28 44, 51, 52, 129					
5	A bill to repeal an act entitled "an act for a more uniform mode of doing township business in the county of Randolph," approved Jan. 21, 1839, - - -	29 29, 44					
6	A bill extending the time of payment to borrowers of the sinking, college, and saline funds, and the surplus revenue - - -	30 44		55	90 113, 114		119
8	A bill fixing the times of holding the probate courts of Marion county, - - -	43 55, 58, 59, 150					
9	A bill establishing a certain state road therein named, - - -	55 67		73	90 113, 114		119
10	A bill concerning clerk's fees, - - -	59 67, 73					
11	A bill to amend an act entitled an act to incorporate county libraries, app'd Feb. 17, 1838, - - -	59 67		73	99 113		191

658

12	A bill to repeal certain acts therein named, - - -	66 73, 125, 142,		142	215 278, 286, 292		313
13	A bill to reduce the per diem allowance of members of the legislature to two dollars, - - -	66 73					
14	A bill amendatory of an act entitled an act relative to crime and punishment, - - -	67 73					
15	A bill regulating the jurisdiction of justices of the peace in Fountain county, - - -	69 78		87	115 131, 146, 155		200
17	A bill to amend an act entitled an act to prohibit the amalgamation of whites and blacks, - - -	73 78					
18	A bill to extend the provisions of certain acts therein named to the county of Grant, - - -	77 88		94	123 175, 176		201
19	A bill to amend an act to provide for opening and repairing public roads and highways in Gibson county, - - -	78 88		94	156 199, 200		201
20	A bill to amend the act entitled an act to provide for the appointment of circuit prosecutors, &c., - - -	79 88, 110, 116					
22	A bill to amend the act entitled an act to prohibit the issuing or circulating small notes commonly called shin plasters, - - -	80 88					
23	A bill to vacate the town of Harrison in Delaware county, - - -	85 94		110	156 175, 176		201
24	A bill to incorporate St. Gabriel college, - - -	86 94, 116		120	213 227, 237		238
25	A bill to amend an act entitled an act subjecting real and personal estate to execution, approved February 4, 1831, - - -				403, 431, 464, 491, 555, 556,		578
26	A bill for the relief of Wm. H. Evans, - - -	86 94, 110		120	378 577		201
27	A bill concerning sales of land on execution, - - -	86 94		120	163 191		
28	A bill to amend an act to incorporate the town of Laporte, approved Feb. 18, 1839, - - -	87 94, 120					
29	A bill to establish a ferry therein named, - - -	87 94, 218 88 94, 158		228	329 381, 383 170		384

659

BILLS OF THE SENATE—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed H. R.	Other Proceedings.	Approved.
30	A bill to amend an act entitled an act regulating grist mills and millers, app'd Feb. 10, 1831,	92 111		120 163 191			201
31	A bill to authorize the governor of the state to order a special election for representatives to congress,	93 111		228 307 328, 329			330
32	A bill to repeal the 14th section of an act relating to public roads and highways, approved Feb. 17, 1838,	98 111, 169					
33	A bill to enforce the payment of tolls on the public works in Indiana,	108 121		124 213 227, 237			233
34	A bill to amend an act entitled, "an act regulating the jurisdiction and duties of justices of the peace," approved Feb. 17, 1838,	110 { 121, 151, 161, 203, 236, 266		266 329 382, 383			384
35	A bill for the relief of Mentor S. Johnson,	110 121, 124					
36	A bill for the relief of John Brookbank,	110		110 328 349, 350			350
37	A bill to amend an act entitled, "an act subjecting real and personal estate to execution," approved Feb. 4, 1831,	116 121		124 213 227, 237, 238			238
38	A bill further to regulate the duties of clerks, justices of the peace, and school commissioners,	123 142, 223		228			

660

39	A bill to amend an act entitled an act regulating the practice in suits at law, approved Jan. 29, 1831,	124 142, 223		162 295 320, 321			321
40	A bill to incorporate the Princeton musical institute,	124 142					
41	A bill to amend an act entitled, "an act relating to evidence," approved Feb. 17, 1838,	124 142					
42	A bill for the relief of contractors,	125 142, 226					
43	A bill providing for the payment of the debt due the state bank of Indiana for moneys paid for the state,	130 142, 157					
44	A bill to amend an act to provide for public printing and for the distribution of laws and journals, approved, Feb. 16, 1839,	139 153, 158		170 324 324, 349, 350			350
45	A bill for the apportionment of Senators and Representatives in the General Assembly of this state,	139 { 153, 154, 165, 166, 167		167 195 { 195, 196, 197, 198, 201, 202, 214, 215, 303			313
46	A bill for the apportionment of Senators and Representatives in the General Assembly.	141 153					
48	A bill to secure to the owners of land upon which the Public Works have been suspended the use of the same,	149 162, 198		198 255 286, 292, 293			313
50	A bill amendatory of an act organizing the supreme court and defining its powers and duties, approved Feb. 17, 1838,	157 170, 218, 228, 499					
51	A bill to amend an act entitled, "an act regulating general elections," approved Feb. 17, 1838,	159 170					
52	A bill to amend an act entitled, "an act concerning enclosures," approved Feb. 17, 1838,	161 170					
53	A bill to amend an act organizing the supreme court and defining its duties,	161 170, 218					
54	A bill to declare a certain county road therein named a state road,	161 170, 181, 218					

661

BILLS OF THE SENATE—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed H. Rep.	Other proceedings.	Approved.
55	A bill to modify the system of internal improvements, -	165	{ 215, 294, 365,				
56	A bill for the sale and transfer of lands reserved for canal purposes, -	172	{ 387, 392				
57	A bill to provide for the improvement of the Michigan road, -	173	181				
58	A bill to authorize John Brown to invest certain money in bank stock for the use of heirs, -	173	181, 549	562	600	610, 611, 638	640
59	A bill to repeal part of an act entitled, an act relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes, -	174	181	377	444	471, 492, 493	510
60	A bill to incorporate the Indiana Iron Manufacturing Company, -	175	181	228	307	328, 329	330
62	A bill to suspend the further prosecution of the public works, and for other purposes, -	179		322	328, 329		330
63	A bill in relation to tolls upon the public works in Indiana, -	181	{ 230, 253, 260, - 270-78, 287-89.	463	515	{ 514-16, 519, 520 -524, 606, 635	640
64	A bill to divorce Benjamin E. Morris and Keziah Cavit, -	182	230	304	425	439, 448, 449	464
		187					

662

65	A bill for the relief of contractors on the Wabash and Erie canal, and for other purposes, -	190	225				
68	A bill to authorize the board doing county business in the county of Switzerland to establish a toll bridge on Indian creek in said county, -	198	230	304		3 2,383	384
69	A bill relative to officers of State and the Governor's house, -	203	230	304	356	382, 383	384
70	A bill to amend an act entitled, an act to incorporate the town of New Castle, in Henry county, -	219	232	304	356	382, 383	384
71	A bill for the appointment of a Chaplain to the State Prison, -	220	232, 508				
72	A bill to fix the time of holding the Probate Courts in Fayette county, -	236		236	307	328, 329	330
73	A bill to amend an act entitled, an act for the encouragement of agriculture, approved Feb. 7, 1835, -	248	306	350	419	439, 448, 449	464
74	A bill for the relief of Micajah Barkley, -	249	306	350	419	439, 448, 449	464
75	A bill to locate a certain state road therein named, -	249		306			
76	A bill to authorize the associate judges in the county of Ripley to hold a probate court, -	266		266	295	303	313
77	A bill for the creation of a school district therein named, -	266		299			
78	A bill to amend the act authorizing the seizure of boats and other vessels for debt, approved February 17, 1838, -	282					
79	A bill to authorize school commissioners to refund money in certain cases therein named, -	282		306	426	440, 448, 449	464
80	A bill to amend the act entitled, an act relative to fugitives from labor, approved, January 22, 1824, -	289	306, 351, 361	306	402	418, 419,	440
81	A bill to regulate the times of holding courts in the several counties of the 9th judicial circuit, -	289		289	307	328, 329	330

663

BILLS OF THE SENATE—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed H. R.	Other proceedings.	Approved.
82	A bill to authorize Enos Blair, former collector of Monroe county yet to collect any taxes that may be due and unpaid in said county for the years 1836, 1837, and 1838, - - - - -	290		397 449 473, 492, 493		510	510
82	A bill to incorporate the Logansport Trading and Manufacturing company, - - - - -	292		317 357 401, 411, 412, 419, 440		440	440
83	A bill to amend an act entitled, an act incorporating congressional townships and providing for public schools therein, approved, February 17, 1838, - - -	297		407			
84	A bill for the relief of Henry Goode, of the c'ty of Boone, - - - - -	298		407 449 473, 492, 493		510	510
85	A bill to change a state road therein named - - - - -	298		407 444 471, 492, 493		510	510
86	A bill to authorize the seminary trustees of Randolph county to borrow money, and for other purposes, - - -	299		408 449 473, 492, 493		510	510
87	A bill for the relief of Orson Willard - - - - -	301		408 495 555, 577		578	578
89	A bill to prohibit the taking of special bail, except in certain cases, - - - - -	302 410, 502					
90	A bill to amend an act entitled, an act relative to crime and punishment, approved, February 10, 1831, - - -	302 326, 327		328 514 534		557	557

664

91	A bill to incorporate the Orleans Band of Music, - - - - -	302		380 444 471, 492, 494		511	511
92	A bill to amend an act amendatory to the act entitled, an act concerning the seminary townships of land in Gibson and Monroe counties, approved, Jan. 25, 1837, - - -	302 410, 438		438 495 555, 577		578	578
93	A bill to regulate the time of holding courts within the 2d judicial circuit, - - - - -	302 410		410 467 555, 577		578	578
94	A bill for the relief of purchasers of the Wabash and Erie canal lands, - - - - -	302 410, 500, 517					
95	A bill regulating the time of holding courts in the first judicial circuit, and for other purposes, - - - - -	302		302 402 418, 419		440	440
96	A bill for the relief of Wm. T. Spurrier and others, - - -	302 410, 423					
97	A bill concerning the late mayor of the town of Lafayette, - - - - -	302		498 515 555, 577		578	578
98	A bill relative to the surplus revenue of the U. States allotted to Carroll county, - - - - -	308		498 523 556		578	578
99	A bill relative to the duty of agents of the surplus revenue, and for other purposes, - - - - -	309 410, 504					
100	A bill for the relief of Charles Martens, - - - - -	310 410					
101	A bill to amend the act entitled, an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany - - -	317		416 496 555, 577		578	578
102	A bill for the relief of James Horney, administrator of the estate of John Myers, deceased, - - - - -	317		416			
103	A bill to authorize the recorder of Cass county to correct his records in a certain case therein named, - - -	318		416 443 465, 474		479	479
104	A bill to authorize the state bank of Indiana to issue small bills, - - - - -	333 347, 348					
105	A bill to extend a certain street in the town of Bloomington, and for other purposes, - - - - -	329		329 419 440, 448, 449		464	464

665

BILLS OF THE SENATE—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved.
106	A bill to revive an act to authorize Thomas Goudy to build a dam across Eel river, &c., -	329		329		557
107	A bill for the relief of David Stiver, -	329		470 514 534, 535		511
108	A bill to locate a certain state road therein named, -	329		417 444 471, 492, 494		
109	A bill divorcing the matrimonial contract between Nancy Day and Lewis Day her husband, -	329 416				
110	A bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in the state, -	346		346 419 440, 448, 449		464
111	A bill to prevent frauds in elections -	346 347, 394, 416, 549				
112	A bill for the creation of additional state bank stock and for giving further time to the borrowers of state funds, -	347				
113	A bill to amend an act attaching Decatur county to the 6th judicial circuit and for other purposes, -	347 438		438 450 473, 492, 494		511
114	A bill supplementary to an act relative to crime and punishment, app'd Feb. 10, 1831, -	350 446				
115	A bill for the relief of Ann Gertrude Brick and Adam and Maurice Brick, -	350		578 641, 643		648

666

116	A bill for the relief of Joseph H. Hendricks, -	358		396 562 595, 613, 635, 636,		
117	A bill to provide for the formation of Tipton county, and for other purposes, -	359 446, 545				
118	A bill to amend the act incorporating the town of Lev-enworth in Crawford county, approved February 7, 1835, -	359 509				
120	A bill relative to the courts in the third judicial circuit, -	361		361		
121	A bill to fix the times of holding courts in the eighth judicial circuit, -	361				
122	A bill to provide for the distribution of the school funds in Jackson county, -	361		446		
123	A bill to amend an act entitled an act to incorporate the Delphi insurance company, approved February 4, 1837, -	361				
124	A bill concerning a state road in Tippecanoe county, -	361		446 467 555, 577		578
125	A bill to amend an act incorporating congressional townships and providing for public schools therein, -	361		361 445 472, 491, 494		511
126	A bill to amend an act entitled an act allowing and regulating the writ of ad quod damnum, -	361 446		446 496 555, 556		
127	A bill to provide for the redemption of treasury notes, -	361 446, 447		503		
128	A bill to provide for the better regulation of the Indiana University, -	362 487		488		
129	A bill to amend an act entitled an act to provide for distributing so much of the surplus revenue of the U. S. as the state of Indiana may be entitled to receive, &c. -	364 488		604 622 646		648
130	A bill to repeal a part of the 2d section of an act relating to public roads and highways, -	365		488		

667

BILLS OF THE SENATE—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed H. R.	Other proceedings.	Approved.
131	A bill providing for a state road in the counties of Allen and Huntington, -	379 488		546 594 641, 643		648	648
132	A bill to incorporate the Putnam band of music, -	380		380 444 472, 491, 494		511	511
133	A bill to amend an act entitled an act to allow further time to the Lawrenceburgh and Indianapolis rail road company to settle up and close their affairs, -	381		381 444 472, 491, 494		511	511
134	A bill to amend an act relating to crime and punishment, approved Feb. 10. 1831, -	388 500, 501		544 597 610, 611, 638		640	640
135	A bill to carry into effect an act entitled an act to establish a state road therein named, -	395		395 419 440, 448, 449		464	464
136	A bill repealing all laws now in force authorizing the sale of bonds for internal improvement purposes, -	406 488, 489		501 597 610, 611, 638		640	640
137	A bill more effectually to secure the purity of elections, -	413 489		549 594 641, 643		648	648
138	A bill to incorporate the Centre Church in Crawfordsville, -	413		538 562 610, 611		639	639
139	A bill for the relief of certificate holders to certain school lands in Monroe county, -	413		413 444 472, 491, 494		511	511

668

140	A bill to provide for running the cars on the Madison and Indianapolis rail road, -	416 446, 537		438 496 555, 556		578	578
141	A bill to incorporate the Liberty Band, -	438					
142	A bill to amend an act entitled, an act to dissolve the present board of internal improvements, board of Fund commissioners, and the engineer department, app. Feb. 24, 1840, -	440 632					
143	A bill to incorporate the Michigan city Manufacturing company, -	442		509 523		578	578
144	A bill to fix the time of holding courts in the 6th Judicial circuit, -	445		445 563 610, 611, 638		639	639
145	A bill for the relief of John S. Forgey late collector of Tippecanoe county, -	454		489			
147	A bill in relation to work done and to be done on the Wabash and Erie canal, -	466 489, 553, 554					
149	A bill to amend the charter of the borough of Vincennes, -	470		471 515 556		578	578
149	A bill to amend an act entitled an act relating to county seminaries, -	498		550 594 641, 643		648	648
150	A bill to admit as evidence the official acts of foreign Mayors, Records, and Alderman of cities, and Notaries Public, -	500		500			
151	A bill to change the name of William Wallace, -	525		525 563 638		639	639
152	A bill authorizing certain suits to be brought in the name of unincorporated societies, -	529		529 597 638		640	640
153	A bill to enable Geo. G. Dunn, guardian of the minor heirs of Moses Fell deceased to convey certain real estate	530		530 562 610, 611, 638		639	639
154	A bill to repeal an act to incorporate the town of Lebanon in Boone county, -	545		545 594 641, 643		648	648

669

BILLS OF THE SENATE—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed H. Rep.	Other proceedings.	Approved.
155	A bill amendatory to the charter of Michigan City,	545		564	634	647	648
156	A bill to repeal an act therein named relative to a state road in Delaware county, -	548		548	594	641, 643	648
157	A bill to incorporate the Washington Band of Laporte,	551		551	594	641, 643	648
158	A bill to amend an act to incorporate the Indiana Iron Manufacturing company, app. Jan. 20, 1841, -	551		551	634	646	648
159	A bill for the relief of the collector of Scott county,	551		551	594	641, 644	648
161	A bill to provide for the further construction of the Madison and Indianapolis rail road, -	551					
162	A bill for the relief of certain stockholders in the Law- renceburgh and Indianapolis rail road company, -	552					
162	A bill to provide for the payment of the interest on the public debt of the State of Indiana, and for the re- demption of treasury notes, -	560		560	600	600, 647	648
164	A bill exempting the stockholders in the Richmond and Brookville canal from the payment of a portion of their tax, -	588					

670

168	A bill to amend the charter of the town of Lawrence- burgh, -	605		605			648
169	A bill amendatory of an act entitled, an act subjecting real and personal estate to execution, -	605		605	622	646	
170	A bill in relation to the Surplus Revenue, -	632		632	633		

671

BILLS FROM THE HOUSE OF REPRESENTATIVES.

672

Number.	TITLES.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
2	A bill to regulate the practice in suits at law, -	90	150	161	200, 213	
3	A bill to stop the per diem compensation of members of the legislature in certain cases, -	62	62, 63, 64, 65,	73	84, 89	
4	A bill to repeal an act regulating the jurisdiction of justices of the peace in Jackson county -	51	67, 218	229	252, 254, 278	
5	A bill authorizing a special term of the Putnam cir. court, -	46	46, 51	51	75, 76	
6	A bill to vacate a part of the town of Kirklin, in Clinton county, -	72	78,	87	113, 114	
7	A bill to appropriate a part of the 3 per cent. fund belonging to Greene county, to purposes therein named, -	72	78, 80	87	113, 214	
8	A bill to amend an act entitled, an act relating to state roads, approved, February 24, 1840, -	73		73	84, 90	
11	A bill to amend an act entitled, an act to prohibit the amalgamation of whites and blacks, approved, February 24, 1840, -	76	87,	229	254, 278	
12	A bill for the relief of the heirs of John Burk deceased, -	76	87, 150	161	199, 200	
13	A bill to extend the time of final payment to purchasers of the 16th sections, -	115	122	209	227, 238	

673

14	A bill to amend an act entitled, an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county, app., Jan. 18, 1840, -	76	87	94	131, 146, 155	
15	A bill for the relief of Benedict O'Neal, -	76	87, 109	120	131, 146	
17	A bill to provide for the mode of doing township business in the county of Miami, -	76	87	87	113, 114	
19	A bill extending the time of payment to borrowers of the sinking, college, and saline funds, and of the surplus revenue -	115	121, 387, 583			
20	A bill to authorize the board of commissioners and the probate court of Jackson county to hold the sessions of their respective courts in the clerk's office -	90	91	120	131, 145, 155	
21	A bill to incorporate the Owen county Band of Gosport, -	90	91, 111	120	131, 145, 155	
22	A bill to provide a more uniform mode of doing township business in the county of Elkhart, -	90	91, 111	120	131, 155	
23	A bill to amend an act entitled, an act providing for the recording of mortgages on personal property, -	90	91, 111, 207			
24	A bill to amend the practice in suits in chancery -	90	91, 111			
26	A bill to amend an act to incorporate the Lawrenceburgh Bridge Company, approved, Jan. 24, 1837, -	307	308	440	649, 643	
29	A bill to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, Dekalb, and Noble, -	90	111	120	131, 145, 155	
34	A bill repealing so much of an act, approved, February 24, 1840, as relates to Union county, -	90	91, 111	120	131, 146, 155	
35	A bill to amend an act entitled, an act regulating the practice in chancery, approved, Feb. 10, 1831, -	99	111, 203			
36	A bill for the relief of the children of Walter Slawter, deceased, -	99	111	302	320, 321	

85

BILLS FROM THE HOUSE OF REPRESENTATIVES—Continued.

674

Number.	TITLE.	Received from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
37	A bill to vacate the town plat of the village of Charlotteville in Kosciusko county, - - -	99	111	120	131, 146, 155,	
39	A bill to authorize the collection of the state and county revenue of Dubois county for the year 1839, - -	75		75	84, 90, 199	
42	A bill for the relief of William Truelock, - - -	99	111	120	131, 146, 155	
44	A bill making contestors of elections liable for costs, -	99	112			
48	A bill to authorize the sale of certain school lands in the county of Jay, - - -	99	112, 120, 209		640, 642, 643	
49	A bill the better to provide for annual supplies of paper, stationery, lights, and fuel for state purposes, -	403				
50	A bill to amend an act entitled an act to incorporate the several townships in the county of Dearborn, approved Feb. 1, 1834, - - -	100	112	455	514, 573, 576	
51	A bill to revive certain acts relative to a stay of execution, - - -	103	121, 207, 208, 209	229	252, 254, 278	
55	A bill for the relief of John W. Cunningham, late collector of Putnam county, - - -	103		152	199, 200	
59	A bill to incorporate the Madison law library society, -	123	143, 211	229	254, 278	

675

60	A bill authorizing the issuing of a special writ of distringas, in certain cases, - - -	156	171			
61	A bill to authorize the payment of contractors on the Wabash and Erie canal east of the mouth of Tippecanoe river, - - -	540			640, 642, 643	
62	A bill providing for the discharge of insolvent persons who are detained in prison for the non-payment of cost in criminal cases, - - -	156	171			
63	A bill to authorize the commissioners of Dubois county to levy a tax ad valorem for certain purposes, - -	115	122	125	199, 200	
65	A bill for the relief of Mentor S. Johnson, collector of Clay county, - - -	156	171	181	227, 238	
66	A bill for the relief of the trustees of the Methodist Episcopal church in Columbus, Bartholomew county, - -	115	121	125	199, 200	
67	A bill for the relief of the collector of the county revenue for the county of Spencer, - - -	115		115	131, 146, 155	
69	A bill to incorporate the Laughery bridge company, -	192	283—286, 291,	292	307, 328, 329	
72	A bill to authorize the state of Michigan to make certain improvements on the St. Joseph river, and for other purposes, - - -	213	233	233	254, 278	
73	A bill for the preservation of sheep, - - -	123	300	350	362, 382, 383	
75	A bill to authorize the state bank of Indiana to issue notes of a less denomination than five dollars, - -	596	618			
77	A bill to prevent the spreading of the disease called the glanders among horses, - - -	131	143, 216	217	254, 278	
78	A bill providing for the payment of the bank debt, - -	413	437, 450	451	634, 640, 642, 643	
79	A bill to prohibit the making, issuing, or circulating small notes or bills, - - -	156	171, 241—246	305	313, 314, 328, 329	
80	A bill to incorporate the Connersville Musical Institute, -	131	143	229	252, 254, 278	

BILLS FROM THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
81	A bill to revive the President and Trustees of the Du-bois county library, - - -	131	143, 153	152	199, 200	
82	A bill defining the duties of petitioners for re-locating seats of justice, and for other purposes, - - -	295		437	472, 492, 494	
87	A bill for the relief of Marshall S. Wines, - - -	163	{ 171, 192, 297, 301, 350	380	418, 420,	
88	A bill to authorize the transportation of the United State's mail over the bridges on the Madison and Indianapolis rail road, - - -	156	171			
90	A bill to amend an act to authorize Daniel J. and Isaac Hancock to build a bridge across South Hogan, - - -	213		347	382, 383	
92	A bill requiring the Commissioners of the White river bridge to make settlement, - - -	156	181			
93	A bill to amend the act entitled an act to regulate general elections, - - -	213				
94	A bill to regulate the receipt and disbursement of the internal improvement fund, - - -	216	233, 315	351	418, 420	
95	A bill to provide for the selection of grand and petit jurors, - - -	307	308, 326	351	382, 383	

676

96	A bill to vacate a part of the town of Bowling Green, in Clay county, - - -	192	233	305	320, 321	
97	A bill to incorporate the Maumee and Wabash canal company, - - -	307	308, 316	351	554, 556	
98	A bill regulating the taking up of animals going estray and water craft and other articles of value adrift, - - -	216	233, 456	543	{ 609, 631, 633, 634, 644	
99	A bill to prevent speculation by collectors in treasury notes and other money, - - -	215	333	502	555, 556	
100	A bill to provide in part for the payment of the public debt, - - -	376	{ 417, 426, 427, 8, 9, 430, '31	431	513, 514	
103	A bill to provide for the revision of the laws, - - -	238	437	437	472, 492, 494	
104	A bill to authorize Thomas S. Hinde to establish a ferry therein named, - - -	216	233	305	320, 321	
105	A bill to amend an act entitled, an act relative to roads in Parke county, approved Feb. 18, 1839, - - -	216	233		254, 278	
106	A bill to authorize probate judges to issue writs of habeas corpus and proceed to trial thereon, - - -	216	233	305	320, 321	
107	A bill to amend the act authorizing the appointment of pilot at the Falls of the Ohio, approved February 7, 1825, - - -	376		438	472, 534	
110	A bill to amend an act organizing the Supreme Court and defining its powers and duties, approved February 17, 1838, - - -	216	233			
112	A bill to incorporate the Terre Haute cavalry, - - -	376		510	573, 574	
113	A bill for the relief of the late collector of Harrison county, and for other purposes, - - -	216	305	351	362, 382, 383	
114	A bill to authorize William L. McKinney, a minor, to sell certain real estate therein named, - - -	295		445	465, 471, 474	

677

BILLS FROM THE HOUSE OF REPRESENTATIVES—Continued.

678

Number.	TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other Proceedings.	Approved, see House Journal.
116	A bill to extend to the settlers on the Wabash and Erie canal lands the benefits of an act for the relief of settlers on the Wabash and Erie canal lands, app. Feb. 24, 1840, - - - - -	295	446, 505	517	534, 572, 574, 576	
117	A bill to confirm to Nathaniel West a certain lease of water power therein named, - - - - -	240		456	514, 572, 574, 575	
118	A bill to amend an act entitled, "an act to incorporate the town of Indianapolis, - - - - -"	240		446	465, 474	
119	A bill regulating the salaries of the secretary, treasurer and auditor, - - - - -	403	445	453	472, 492, 494	
120	A bill to provide for keeper of State House and Library, - - - - -	426	426	426	448, 449	
121	A bill to amend an act to authorize the loaning of the College fund, - - - - -	403				
125	A bill to authorize the board doing county business in the county of Spencer to increase the number of places of holding elections in said county, - - - - -	240				
126	A bill to amend an act to regulate the jurisdiction and duties of justices of the peace, app. Feb. 1838, - - - - -	240	446	446	465, 471, 474	

679

127	A bill to authorize sale of the asylum for the poor in the county of Harrison, - - - - -	240		487	573, 574	
128	A bill to incorporate the Euterpeian band of South Bend, - - - - -	357		357	401, 413	
129	A bill to incorporate the Bristol manufacturing company, - - - - -	295			362, 411, 412	
130	A bill to extend the benefits of an act entitled, an act to incorporate the Marion Fire Engine company, app. Jan. 20, 1838, - - - - -	296				
131	A bill for the relief of Edward H. Jacot, - - - - -	295	488	379	401, 473, 492, 494	
132	A bill to abolish capital punishment, - - - - -	296	310, 311, 312	603	644	
133	A bill to authorize William Munford to build a bridge across the Wabash river in the county of Wabash, - - - - -	307	308, 317	317	328, 382, 383	
135	A bill to provide for the settlement of disputed claims for labor on the public works, - - - - -	600	622			
137	A bill to provide for the assessment and collection of the state revenue for Spencer county, for 1837, and also for the county of Cass for 1839, - - - - -	630		630	633, 644	
139	A bill to authorize an additional justice of the peace and constable in Jackson township in the county of Putnam, - - - - -	252		489	572, 574	
145	A bill to distribute the school funds and for other purposes in Perry county, - - - - -	255	255, 289	289	320, 321	
145	A bill to incorporate the Greensburgh steam mill and manufacturing company in Decatur county, - - - - -	296		510	609, 611	
146	A bill concerning petit jurors in certain cases, - - - - -	296	325, 326			
147	A bill to repeal the 103d section of an act therein named as far as relates to Perry county, - - - - -	255		298	320, 321	

BILLS FROM THE HOUSE OF REPRESENTATIVES—Continued.

680

Number.	TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
148 A	bill to amend an act for the regulation of the state prison, approved, February 17, 1838,	376	377, 424	455	514, 573, 574, 576	
149 A	bill to enable the treasury to meet the current demands for the civil list of 1841, growing out of the deficit of 1840,	255		454	472, 492, 494	
150 A	bill for the relief of the Miami and other Indians,	255	352, 396	397	448, 449	
152 A	bill for the relief of Cinderilla Hooker,	255	256	490	573, 576	
153 A	bill for the relief of Elvira Garner,	155	256	490	572, 574, 575	
154 A	bill providing for draining swamps, ponds, marshes, and other low lands in the county of Spencer,	255	256, 315	315	328, 411, 412	
155 A	bill for the re-location of the seat of justice in Blackford county,	307	308	420	472, 492	
156 A	bill for the relief of school district No. 3, in township No. 6, south of range No. 10, in Vanderburgh c'ty,	255	256	351	362, 411, 412,	
157 A	bill to define the boundary line between the counties of Clark and Floyd,	255	256	358	382, 383	
158 A	bill to amend an act to incorporate the Columbus and Driftwood Bridge Company, app. Feb. 8, 1839,	255	256	490	573, 576	

681

159 A	bill to incorporate the town of Carlisle, in Sullivan county,	357		379	401, 513, 535	
160 A	bill to value the property of the state,	426	433, 468—70	470	514, 610, 11, 12, 44	
161 A	bill prescribing the duties of county auditor,	426	433, 470, 478, 481	481	512, 609, 611, 612	
162 A	bill for the election of county assessor,	426	435, 481	482	572, 574, 576	
163 A	bill prescribing the duties of county treasurer,	426	435, 485, 486	486	512, 610, 611, 612	
164 A	bill pointing out the mode of levying taxes,	426	435, 482, 483, 484	484	512, 610, 611, 612	
165 A	bill to tax the individual stock in the several branches of the state bank of Indiana,	597	597	618	644	
166 A	bill levying a tax for state and internal improvement purposes,	539	557-560, 585-587	587	635, 636, 639	
167 A	bill to revise and amend an act incorporating congressional townships, and providing for public schools therein, approved, February 17, 1838,	426	435, 503, 516	517	644	
168 A	bill to amend an act, approved Feb. 6, 1837, entitled, an act to provide for distributing so much of the surplus revenue of the U. States as the state of Indiana may be entitled to and receive by virtue of an act of congress, approved, June 28, 1836,	443	{ 504, 568-571, 588-594	594	615, 619, 628, 631	
169 A	bill legalizing the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes,	255	256	318	382, 383	
172 A	bill to amend an act to create the office of private secretary to the governor,	205	490, 632			
173 A	bill to incorporate the trustees of the Daviess county seminary,	295	380	396	555, 556	
176 A	bill to amend an act for the relief of John R. Fischli, approved, Feb. 18, 1839,	357		357	401, 402, 413	
177 A	bill for the relief of owners of Indian reservations,	357	490	603	644	

BILLS FROM THE HOUSE OF REPRESENTATIVES—Continued.

682

Number.	TITLE.	Received from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
179 A	bill to amend an act to regulate the mode of doing county business in the several counties in this state, -	444			444 472, 492, 494,	
181 A	bill to re-appropriate certain moneys therein named, -	295 318			351 382, 383,	
182 A	bill to confirm to John and Conegys certain water power therein named, -	357			424 473, 493, 494,	
184 A	bill to amend the act subjecting real and personal estate to execution, app'd Feb. 4, 1831, -	307 308, 330			351 362, 382, 383	
185 A	bill declaring Patoka a public highway, and for other purposes, -	307 308			340 401, 402, 413	
187 A	bill to authorize Obediah Jones to build a mill dam across the Mississinewa river in Grant county, -	307 308			490 573, 574, 576	
189 A	bill in relation to school moneys deposited with the superintendent of the loan office, -	444			504 572, 574, 575	
190 A	bill to amend the 17th section of an act to provide for a general system of internal improvement, app'd Jan. 27, 1836, -	307 308, 490, 537				
192 A	bill to amend an act authorizing domestic attachments and regulating proceedings therein, -	357 499				

683

193 A	bill to provide for the completion of that portion of the Cross-cut canal which lies between Terre Haute and the feeder dam in Clay county, -	338 404			439 439	
194 A	bill to protect lands mortgaged to the state from forfeiture for non-payment of corporation taxes, -	357 490			564	
195 A	bill for the relief of the securities of Andrew Martin, collector of the state and county revenue of Daviess county for the year 1839, -	286			286 292	
198 A	bill to repeal an act vacating a part of the town of Milford in Kosciusko county, approved January 22, 1839, -	357			490 640, 643	
199 A	bill to re-locate the county seat of Sullivan county, -	450 450			605 622, 634, 644	
200 A	bill to amend an act for the formation of the county of Blackford, app'd Feb. 15, 1838, -	307 308, 487				
204 A	bill for the relief of Azor Charles, -	356 490, 604				
206 A	bill to amend an act entitled an act to incorporate the Liverpool bridge company, -	357 358			380 401, 473, 493	
207 A	bill to incorporate the trustees of the parsonage of the Methodist Episcopal church of the Brookville circuit, -	357 358			395 573, 574, 576	
208 A	bill to amend an act entitled an act to fix the times of holding the courts in the fifth judicial circuit, app'd Jan. 30, 1840, -	313 314, 546				
209 A	bill to change the mode of selecting petit jurors in the counties of Brown, Martin, and Owen, -	324			490 513, 514, 535	
210 A	bill for the location of a state road in the counties of Harrison and Crawford, -	356			356 382, 383	
211 A	bill to incorporate the town of Mooresville in Morgan county, -	377			509 610, 611, 612,	

BILLS FROM THE HOUSE OF REPRESENTATIVES—Continued.

Number.	T I T L E.	Received from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
212	A bill to vacate Spring street in the town of Covington in Fountain county, - - -	377		378	473, 493, 494	
213	A bill to establish permanent corners to the streets and alleys and lots in the town of Corydon, - - -	377		378	473, 492, 494	
217	A bill to dispense with records in certain cases and to authorize amendments in pleading, - - -	413	414			
218	A bill repealing the 8th section of an act incorporating the Leesburgh School Society, approved February 17, 1840, - - -	402		402	473, 493, 494	
219	A bill to provide for a state road therein named, - - -	496		496	513, 535	
220	A bill to change the name of the town of Milford, in Warren county, - - -	402		402	473, 492, 494	
221	A bill to amend an act incorporating the seminary in the county of Gibson and for other purposes, approved January 21, 1826, so far as relates to Orange county seminary, - - -	377	378	565	635, 636	
223	A bill to legalize and give effect to certain official acts of the late clerk of Floyd county, - - -	413	414	529	572, 575	

684

224	A bill to amend an act to provide for the election of an additional justice of the peace and constable in Morgan township, Harrison county, - - -	377		378	472, 492, 494	
226	A bill to amend an act for the relief of the poor, approved Feb. 17, 1838, so far as relates to Marion county, - - -	378		397	472, 493, 494	
227	A bill supplemental to an act subjecting real and personal estate to execution, app. Feb. 4, 1831, - - -	404	{ 406, 511, 512, 538, 541—3	543	{ 563, 594, 607, 8, 613, 636, 639	
230	A bill to legalize the election of probate judge in Kosciusko county, - - -	378		378	472, 493, 494	
231	A bill providing for opening and repairing public roads and highways in the county of Monroe, - - -	443		443	464, 471, 474	
233	A bill to repeal an act entitled, an act to repeal a certain act in Dearborn county therein named, approved Feb. 5, 1839, - - -	413	419, 490	546	640, 643	
234	A bill to authorize the survey of a canal from Peru to the head of Salt river and the Erie and Michigan canal, - - -	467		490	573, 574	
236	A bill amendatory to an act locating a state road, - - -	413		414	472, 493, 495	
240	A bill for the relief of John Elden, - - -	426	443	498	572, 574, 575	
241	A bill to authorize the citizens of Clay county to drain the Round pond, - - -	496		496	513, 525	
242	A bill for the relief of Edmond Clark, late collector of Hendricks county, - - -	356		357	401, 402, 413	
243	A bill repealing an act regulating the jurisdiction of justices of the peace in Madison county, - - -	356		381	401, 473, 493, 495	
244	A bill for the relief of J. B. Moulton, G. D. Prentice and Geo. W. Weissenger, - - -	403	421, 505, 506, 507			
247	A bill to remove the disability of Ann Maria Gile, - - -	367		367	401, 402, 413	

685

BILLS FROM THE HOUSE OF REPRESENTATIVES—Continued.

686

Number.	TITLE.	Received from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
248	A bill to authorize the citizens of Montgomery and Putnam counties to open a part of the New Albany and Crawfordville road, - - - - -	426		426	465, 471, 474	
249	A bill to amend an act authorizing the sale of certain school lands therein named and for other purposes, - - - - -	378		378	418, 420	
250	A bill fixing the times of holding courts in the eighth judicial circuit, - - - - -	376	377	420	447	
251	A bill to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes, - - - - -	378	420, 467	548	594, 640, 643	
252	A bill changing the times of holding courts in the 3rd judicial circuit, - - - - -	376	377, 438	438		
254	A bill providing for an additional term of the circuit court in Delaware county, - - - - -	376		376	401, 473, 493, 495	
255	A bill to amend an act providing for the recording of mortgages on personal property, app. Feb. 17, 1888, - - - - -	378	500			
256	A bill for the relief of the heirs of John Sawyer deceased, - - - - -	378		502		

687

257	A bill for the relief of George D. Moore, of Randolph county, - - - - -	403		403	472, 493, 495	
258	A bill fixing the time of holding courts in the fourth judicial circuit, - - - - -	402		546	571, 572	
259	A bill to secure the safety of the public funds by requiring bonds of public officers, - - - - -	443	444, 530, 531, 532	532	562, 641, 642, 643	
262	A bill to re-locate the Rockport and Bloomington state road in Martin county, - - - - -	426	443, 491	491	514, 572, 574, 575	
264	A bill to incorporate the town of Wilmington in Delaware county, - - - - -	443	444	510	609, 611	
265	A bill to change the time of holding the Probate courts in Daviess county, - - - - -	443		444	464, 471, 474	
267	A bill relative to the will of George Boon late of Sullivan county deceased, - - - - -	445		445	464	
268	A bill for the relief of Alexander Beard, - - - - -	443	444	538	572, 574	
269	A bill providing for the organization of the Shelbyville rifle company, - - - - -	442		455	472, 493, 495	
270	A bill regulating the time of holding courts in the county of Madison in the 11th circuit, - - - - -	404		404	472, 493, 495	
274	A bill to incorporate the Philothean society in Jefferson county, - - - - -	467		467	555, 556	
275	A bill for the relief of Andrew Wilson, - - - - -	496		561	594, 641, 643	
277	A bill to vacate a certain road in Tippecanoe county, - - - - -	444	553	444	465, 471	
278	A bill for the benefit of Adam E. Rhodes, - - - - -	450		450	472, 493, 495	
279	A bill to authorize the erection of a mill dam across Eel river in Wabash county, - - - - -	450		450	621	
280	A bill attaching Sprinklesburgh and Mount Prospect to the town of Newburgh in Warrick county and for other purposes, - - - - -	444		444	464, 471, 474	

BILLS FROM THE HOUSE OF REPRESENTATIVES—Continued.

688

Number,	TITLE.	Received from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
281	A bill to incorporate the Indianapolis band of Musicians,	496			641, 643	
282	A bill providing for the location of a state road and for other purposes,	444		444 464, 471, 474		
283	A bill declaring certain names a misprint in the act locating a state road from Washington to Portersville,	444		444 464, 471, 474		
285	A bill to provide for the appointment of a Fund commissioner to collect the suspended debt of the state,	578	{ 579, 580, 581, 582, 602	603 613, 636, 637, 638		
287	A bill to incorporate the town of Chmbridge City in Wayne county,	496 567		568 594, 610		
288	A bill to incorporate the Jonesborough Bridge company,	496		566 610, 637		
289	A bill attaching certain territory therein named to Jasper county,	467		491 573, 576		
290	A bill to locate a state road therein named	467		467 573, 574		
292	A bill to re-locate part of a state road therein named,	445		445 464, 471, 474		
294	A bill to incorporate the Preachers' Aid Society,	523		566 594, 610, 612		
295	A bill to amend the act to incorporate the city of Richmond, in Wayne county,	523 566		567		
296	A bill to establish a state road therein named	444		444 465, 471, 474		

689

298	A bill to amend an act entitled, an act concerning enclosures and trespassing animals, approved, February 17, 1838,	467		508 512, 573, 574		
299	A bill to amend an act to incorporate the town of Jeffersonville,	514		514 555, 556		
303	A bill respecting licenses for retailing spirituous liquors in the city of Richmond	523		535 572, 574		
305	A bill to amend an act to provide for the distribution of the laws and journals, and for other purposes,	496		604 641, 642		
306	A bill to incorporate the Livonia Band of Musicians,	496		565 635, 637		
308	A bill to authorize William Patterson to sell certain lands and real estate,	467 499				
312	A bill to incorporate the Hagerstown Canal Company,	563 599, 601, 617, 618		618 635, 645		
313	A bill to amend an act entitled, an act to provide for the draining Lost creek in Vigo county,	496		545 594, 641, 643		
313	A bill to provide for the election of an additional justice of the peace in Putnamville, Putnam county,	523		524 572, 574		
314	A bill relative to lands returned to the school commissioner of Laporte county,	563		563 641, 642, 643		
317	A bill to amend an act entitled, an act relative to crime and punishment, approved, Feb. 10 1831,	496		496 573, 574, 576		
318	A bill to amend an act regulating descents, distribution and dower, approved, Feb. 17, 1838,	578 582				
319	A bill to amend an act regulating the practice in suits at law, approved, January 29, 1831,	579 582				
320	A bill to amend an act to provide for the partition of real estate, approved, Feb. 1, 1831,	579 582				
324	A bill for the relief of Thomas Nichols,	540		604 644		
325	A bill to locate a state road in Sullivan county,	515		515 573, 574		

BILLS FROM THE HOUSE OF REPRESENTATIVES—Continued.

Number.	T I T L E.	Received from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
326	A bill to incorporate the Miami and Wabash Turnpike Company, - - -	540 563		599 641, 642, 643, 515 573, 574		
327	A bill for the relief of the Hancock county library, - -	515		565 594, 610, 637, 642		
328	A bill to incorporate the town of Connersville, - - -	540		515 573, 575		
331	A bill for the relief of A. B. Coleman, - - -	515		537 562		
332	A bill concerning petit jurors in certain counties therein named, - - -	523 524, 536		515 573, 576		
333	A bill in relation to the jurisdiction of justices of the peace in Posey county, - - -	515		515 573, 575		
335	A bill to provide for the election of an additional justice of the peace in Bluffton in Wells county, - -	515				
337	A bill supplemental to the 13th section of an act entitled an act subjecting real and personal estate to execution, app'd Feb. 4, 1831, - - -	601 621				
338	A bill to extend further time to the borrowers of the school fund, - - -	597				
339	A bill to legalize the meetings of the trustees of the Lagrange collegiate institute, - - -	515		536 572, 575		

690

340	A bill to vacate a part of a state road therein named, -	523		1524 641, 642, 643,		
341	A bill to incorporate the Lagro and Manchester turnpike company, - - -	563		599 641, 642, 643		
343	A bill to repeal part of an act incorporating the town of Indianapolis, - - -	597		597 636, 637, 639		
348	A bill to change certain state roads therein named, -	540		540 573, 575		
349	A bill to repeal an act entitled an act regulating the jurisdiction of justices of the peace in the county of Hamilton, app'd Feb. 18, 1840, - - -	540		540 573, 575		
351	A bill to provide for the further construction of the Madison and Indianapolis rail road, - - -	605	{ 606, 619—621, 623, 624	628 632, 633, 644, 647		
352	A bill to locate and change the name of certain roads therein named, - - -	540		540 572, 575		
356	A bill to incorporate the Portage bridge company, - -	560		599 641, 642, 643		
358	A bill authorizing purchasers of the Wabash and Erie canal lands to pay interest thereon, - - -	621		621 644		
359	A bill to establish certain state roads therein named, -	600		605 644		
361	A bill supplementary to an act to provide for the completion of that part of the Cross-cut canal which lies between the feeder dam and Terre Haute, - - -	609		609 644, 647		
365	A bill supplemental to an act fixing the times of holding courts in the 8th judicial circuit, - - -	562		562 600, 635, 637		
367	A bill for the relief of Clements and Roddick, contractors on the southern division of the Central canal, -	613 618		618		
368	A bill making specific appropriations for the year 1841, - - -	615 615		615 629, 644, 647		
369	A bill to provide for the payment of debts contracted by the late mayor and common council of the town of Lafayette under the charter of said town, - - -	600		600 641, 642, 643		

691

BILLS FROM THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLE.	Received from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
372	A bill defining the manner of selecting petit jurors in Hancock county, - - -	602		602 636, 637, 639		
374	A bill for the relief of Eli Davis, - - -	600		621 644		
377	A bill to amend the act regulating the practice at law, - - -	613		614		
378	A bill to amend the act to establish a state bank, approved Jan. 28, 1834, - - -	613 614				
382	A bill to make general appropriations for the year 1841, - - -	622		622 645		
383	A bill supplemental to an act passed at the present session, for the relief of Andrew Wilson, - - -	630		630 645		
384	A bill allowing further time for the assessor of Lawrence county to complete his assessments, - - -	622		622 644		
386	A bill to locate a state road therein named, - - -	622		622 644		
389	A bill supplemental to an act making specific appropriations for the year 1841, - - -	631		631 644		

692

JOINT RESOLUTIONS OF THE SENATE.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed H. Rep.	Other proceedings.	Approved.
7	Relative to a bank of the United States. - - -	55 67, 210					
16	On the subject of the public lands of the United States, - - -	72 78, 173, 190, 246					
21	In relation to selection of lands for the Wabash and Erie canal, - - -	79		79	90 113, 114		119
47	On the subject of the debts of the state, - - -	149 162, 202					
49	Providing for the civil list for the year 1841, - - -	153					
61	In relation to the Wabash and Erie canal, - - -	181 229					
66	In relation to a national bank, - - -	190 210		210 281 320, 321			321
67	Relative to the steam boat lock near Delphi, - - -	190					
72	Relative to duties on foreign goods, - - -	246 246, 247, 306		350 419 439, 448, 449			464
88	On the subject of Mr. Benton's bill to establish a permanent pre-emption system in favor of settlers on the public lands who shall inhabit and cultivate the same and raise a log cabin thereon, - - -						
119	On the subject of the State Bank of Indiana, - - -	302 408, 409, 410		410 450 473, 493, 494			511
146	In relation to the \$300,000 of the state bonds wrongfully withheld from the state, - - -	360		396 450 473, 493, 494			511
148	To suspend the act passed at the present session of the	464 489					

693

JOINT RESOLUTIONS OF THE SENATE—Continued.

Number.	TITLE.	Introduced.	Proceedings before passage.	Passed Senate.	Passed H. R.	Other proceedings.	Approved.
	General Assembly, to provide for a keeper of the state house and library, -	466		487			
160	Supplemental to an act pointing out the mode of levying taxes, -	551	562	571			
163	To suspend the act fixing the time of holding courts in the 6th Judicial Circuit, app. Feb. 1841, -	587	588				
165	Relative to the State Library, -	598		598			
166	Relative to the publication of the school law, -	598		598			
167	On the subject of printing an act therein named, -	598		622	646		648

694

JOINT RESOLUTIONS FROM HOUSE OF REPRESENTATIVES.

Number.	TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other Proceedings.	Approved, see House Journal.
1	A joint resolution on the subject of amending the Constitution of the U. S. -	192		232	253, 254, 278	
53	A joint resolution relative to the contract with the Morris canal and Banking company for the railroad Iron made by the Fund commissioner, Milton Stapp, Esq. -	88	88, 89	89	98, 99	
69	A joint resolution relative to the Sub-treasury bill, -	123	143, 172, 259	260	287, 320, 321	
71	A joint resolution for the relief of David Rowles, -	131	143, 152, 161	164	175, 199, 200	
122	A joint resolution relative to the election of President and Vice President of the United States, -	192	234	306	320, 321	
180	A joint resolution relative to the distribution of the statutes of Dubois county, -	307	308	490	573, 574	
191	A joint resolution relative to the public domain, -	307	308			
214	A joint resolution on the subject of the National road, -	377		378	472, 493, 495	
227	A joint resolution for the benefit of St Joseph county, -	378		378	472, 495	
228	A joint resolution relative to the extension of pre-emption rights, -	403	490			

695

JOINT RESOLUTIONS FROM THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLE.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.	Approved, see House Journal.
2229	A joint resolution providing for a correspondence between the executives of Indiana and Ohio, relative to the completion of the Wabash and Erie canal,	378	552	553	635, 637, 639	
235	A joint resolution on the subject of the sale of state bonds,	413	414			
263	A joint resolution on the subject of the Wabash and Erie canal,	607				
293	A joint resolution relative to the judicial circuits,	444		444	472, 493, 495	
322	A joint resolution on the subject of the distribution of the proceeds of the public lands,	496		497	511	
323	A joint resolution relative to the auditor of public acc'ts,	579		582	635, 637, 639	
344	A joint resolution in relation to the Historical Society of the state of New York,	540		562	635, 637, 639	
347	A joint resolution suspending the 5th section of an act passed the present session of the general assembly for the relief of the Miami Indians,	540		540	573, 575, 556	
371	A joint resolution on the subject of the redemption and cancelling of treasury notes,	602		602	635, 637, 639	

696

373	A joint resolution relative to the auditor of public acc'ts,	600
370	A joint resolution on the subject of the state board of equalization,	613
376	A joint resolution relative to the superintendents of the state prison,	613
379	A joint resolution relative to Michigan road lands,	613
385	A joint resolution in relation to the affairs of the town of Indianapolis,	621

600	635, 637, 639
613	644
613	644
614	644
621	644

697

C

COMMITTEES.

PAGE.

Standing, - - - - -	31
Joint, appointed, - - - - -	33
100 copies ordered to be printed, - - - - -	33
Mr. Ewing added to judiciary, - - - - -	44
Select, to remodel the Judicial Circuits, - - - - -	52
" on parts of Governor's message, - - - - -	58
Mr. Ewing added to committee on State Bank and Canals and Internal Improvements, - - - - -	75
Mr. Roberts added to committee on roads and claims, - - - - -	76
Mr. Morgan added to committee on Agriculture, - - - - -	

COMMITTEE OF THE WHOLE.

Governor's annual Message referred to, - - - - -	13
Inaugural address of Gov. Bigger referred to, - - - - -	30
Governor's message considered in, - - - - -	50, 53

CREDENTIALS.

Of Members referred to committee on elections, - - - - -	237
--	-----

E

ELECTIONS.

D. Maguire elected Principal Secretary, - - - - -	4
W. F. Collum elected Assistant Secretary, - - - - -	5
W. C. Smydth elected Enrolling Secretary, - - - - -	5
John Cook elected Doorkeeper, - - - - -	5
Wm. Sheets elected Secretary of State, - - - - -	37
M. Morris elected Auditor of Public Accounts, - - - - -	38
Geo. H. Dunn, elected Treasurer of State, - - - - -	38
James Perry elected Judge of 6th Judicial Circuit, - - - - -	38
T. J. Barnett elected Prosecuting Attorney for 2d Circuit, - - - - -	38
Jno. Pitcher elected Prosecuting Attorney for 4th " - - - - -	38
J. S. Watts elected Prosecuting Attorney for 10th " - - - - -	40
M. M. Ray elected Prosecuting Attorney for 6th " - - - - -	40
E. McGaughey elected Prosecuting Attorney for 7th " - - - - -	40
W. C. Hanna elected Prosecuting Attorney for 9th " - - - - -	41
Dowling and Cole elected Public Printers, - - - - -	353
Hugh O'Neal elected Prosecuting Attorney of the 5th Circuit, - - - - -	425
W. T. T. Jones elected director of State Bank, - - - - -	478
John Cook elected Librarian &c., - - - - -	533
Noah Noble elected Fund Commissioner, - - - - -	626

F

FUND COMMISSIONERS.

PAGE.

Report of referred to committee on finance, - - - - -	88
Report of N. B. Palmer in relation to State Bonds, - - - - -	132
" " in relation to catalogue of Bonds, - - - - -	216
Correspondence with M. Stapp and Morris Canal and Banking Company in regard to rail road Iron, - - - - -	336
Letter to Secretary of State on the same subject, - - - - -	349
New Commissioner elected, - - - - -	626

G

GOVERNOR.

Annual communication of, - - - - -	10
Inaugural Address of, - - - - -	14
Communication from, announcing Private Secretary, - - - - -	46
" " enclosing resolutions of the General Assembly of Alabama on the Tariff, - - - - -	279
Communicates resignation of W. J. Peaslee, Prosecutor of the 5th Judicial circuit, - - - - -	392
Communication in relation to bill for the relief of Miami Indians, - - - - -	479

I

INAUGURAL ADDRESS.

Of Governor Bigger, - - - - -	14
Of Lt. Governor Hall, - - - - -	27

INTERNAL IMPROVEMENTS.

Report from Chief Engineer in regard to the White water canal, - - - - -	95
" " relative to the W. & E. canal, - - - - -	104
" " relative to the Erie & Michican canal, - - - - -	125
Report from President of board of in relation to tolls on the N. A. & V. road and Southern division Central canal, - - - - -	144
Report from President of board in reference to New-Albany and Vincennes and Jeffersonville and Crawfordsville McAdamized roads, - - - - -	168
Report from Chief Engineer in regard to lock at Delphi, - - - - -	183
Report from N. Noble relative to the termination of Central Canal, - - - - -	234
Report from same in regard to paying treasury notes on rail road, &c. - - - - -	250
Report from N. Noble in relation to the counties interested in the respective Public works, - - - - -	332

M

PAGE.

MEMBERS.

Appear and are sworn into office, - - - 4, 39, & 70

MODIFICATION.

So much of the Governor's Message as relates to the Modification of the Internal Improvement system referred to a select committee of nine members, - - -	57
Committee appointed, - - -	58
Added to, - - -	153
Bill reported by committee, - - -	165
Mr. Parker's amendment to bill reported by Modification committee, - - -	261
Mr. Test's amendment to said bill, - - -	263
Mr. Moffatt's amendment, - - -	265
Mr. Blair's amendment, - - -	267
Mr. Elliott's amendment, - - -	267
Mr. Chamberlain's amendment, - - -	268
Mr. Dobson's amendment, - - -	268
Mr. Parker's second amendment, - - -	269
Mr. Nave's amendment, - - -	271
Mr. Stevenson's amendment, - - -	273
Mr. Herriott's amendment, - - -	276
Mr. Hanna's amendment, - - -	277
Mr. Dobson's amendment, - - -	288
Mr. Cravens' report on bill No. 55 of the Senate, - - -	340
Mr. Baird's amendment, - - -	365
Mr. Parker's amendment, - - -	366
Mr. Armstrong's amendment, - - -	367
Mr. Thompson's amendment, - - -	367
Mr. Clark's amendment, - - -	369
Mr. Armstrong's amendment, - - -	370
Mr. Stevenson's amendment, - - -	371
Mr. Bell's proposition to amend, - - -	371
Mr. Chamberlain's proposition to amend, - - -	371
Mr. Dobson's proposition to amend, - - -	372
Mr. Carnan's proposition to amend, - - -	372
Mr. Stevenson's proposition to amend, - - -	374
Mr. Eggleston's proposition to amend, - - -	374
Mr. Clark's proposition to amend, - - -	375
Mr. Stevenson's proposition to amend, - - -	375
Mr. Parker's substitute for modification bill, - - -	389
Mr. Angle's amendment to substitute, - - -	391
Mr. Clark's amendment to substitute, - - -	394
Mr. Ewing's amendment to substitute, - - -	395

PAGE.

Mr. Bell's amendment to substitute, - - -	397
Mr. Stafford's amendment to substitute, - - -	397
Mr. Blair's amendment to substitute, - - -	398
Mr. Ewing's amendment to substitute, - - -	398
Mr. Angle's amendment to substitute, - - -	398
Mr. Hanna's amendment to substitute, - - -	399
Mr. Blair's amendment to substitute, - - -	400
Mr. Parker's substitute for bill of modification committee passed, - - -	400
Mr. Craven's resolution relative to modification, - - -	435
Mr. McCord's plan of modification, - - -	457
Proceedings on bill No. 62 of the Senate to suspend the further prosecution of the public works, - - -	458-463
Bill passed, - - -	463
Further proceedings on said bill as amended in H. R., - - -	515-524

O

ORDER OF BUSINESS.

Announced from the chair, - - -	33
Resolution relating to, - - -	384

P

PETITIONS, &c.

Presented by Mr. Aker, 77, 220, 241, 252, 351, 468	
Angle, 346, 525	
Arion, 241, 324	
Armstrong, 65	
Baird of St. Joseph, 228, 241, 281, 290, 447, 450	
Beard of M., 84, 418	
Bell, 309	
Berry, 82, 156, 241, 324, 442	
Chamberlain, 241, 256	
Clark, 169, 442	
Collins, 125, 296	
Cravens, 35	
Eggleston, 176	
Everts, 8, 39, 65, 137, 379	
Ewing, 308, 309, 351, 512	
Foster, 39, 227,	
Hanna, 8, 198	
Harris, 51, 106, 115, 163, 176, 241, 252, 281, 282	
Hoover, 228, 418	
Lowe, 393	

Presented by Mr. Moffatt, 74, 241	
Morgan, 176, 525	
Mount, 122	
Nave, 363	
Nickel, 106, 416, 525	
Parker, 156, 188, 415	
Riley, 363	
Roberts, 146	
Stevenson, 363	
Tannehill, 282	
Test, 85, 256, 282, 325	
Thompson, 189, 220	
Watts, 85, 112, 256, 309, 324, 363	
Wright, 119, 252, 308, 309, 325, 415, 468	

PROTEST.

Of Mr. Eggleston and others against the passage of bill for the relief of J. S. Reed, - - - - -	60
Of Mr. Nickel against the passage of apportionment bill, - - - - -	293
Of Mr. Chamberlain and nine other senators against the joint resolution in relation to the independent treasury, - - - - -	583

R

REPORTS, &c.

Of the Madison, Richmond, and Terre Haute branch banks, - - - - -	6
Of the treasurer of state (annual,) - - - - -	10
Of the Vincennes branch of state bank, - - - - -	10
Of auditor of state (annual,) - - - - -	11
Of Bedford, New Albany, and Evansville branch banks, - - - - -	26
Of secretary of state relative to state library, - - - - -	28
Of secretary of state relative to resignation of D. R. Eckles, - - - - -	30
Of treasurer of state relative to 3 per cent. fund, - - - - -	30
Of treasurer of state relative to surplus revenue, - - - - -	30
Of Lawrenceburgh branch bank, - - - - -	33
From secretary of state in relation to salary, &c., - - - - -	34
From secretary of state on the subject of enumeration of persons charged with poll tax, - - - - -	41
From secretary of state relative to votes given for and against the call of a convention, - - - - -	42
From treasurer of state relative to postage, - - - - -	47
From Indianapolis branch bank, - - - - -	47
From treasurer of state in relation to 3 per cent. fund, - - - - -	49
From treasurer of state in relation to his salary and fees, - - - - -	49
From president of state bank, - - - - -	50

From commissioners of sinking fund, - - - - -	59
From auditor of public accounts in relation to salary, &c. - - - - -	61
From supreme judges in relation to revision of laws, - - - - -	91
From chief engineer in relation to White-water canal, - - - - -	95
From president of state bank in answer to a call for information, - - - - -	103
From chief engineer in relation to superintendents on W. and Erie canal, - - - - -	104
From secretary of state relative to state bonds, - - - - -	105
Of Leavenworth and Bloomington rail road company, - - - - -	105
From chief engineer in relation to Erie and Michigan canal, - - - - -	125
From N. B. Palmer one of the fund commissioners in relation to state bonds, - - - - -	132
From N. Noble in answer to a call of the senate, - - - - -	144
From same in answer to a further call, - - - - -	168
Of the Madison savings institution, - - - - -	171
From chief engineer in relation to steam boat lock at Delphi, - - - - -	183
From treasurer of state in regard to stationery, &c., - - - - -	185
From treasurer of state in relation to the civil list, - - - - -	187
From president of state bank in relation to discounts, - - - - -	201
From N. B. Palmer, relative to catalogue of bonds, &c., - - - - -	216
Of president of board of internal improvement, in relation to the termination of southern end of Central canal, - - - - -	234
From the same in answer to call of Senate, in relation to the payment of treasury notes on rail road, - - - - -	250
From Vernon Savings Institution, - - - - -	251
From N. Noble in regard to the public works, &c. - - - - -	332
From Secretary of State enclosing copy of correspondence between M. Stapp, fund commissioner, and Morris canal company, in regard to rail road iron, - - - - -	335
From Secretary of State enclosing letter of Gen. Stapp, - - - - -	349
Of Leavenworth savings institution, - - - - -	352
From president of state bank in reply to call for information, - - - - -	354
Of the trustees of Hanover college, - - - - -	393

CANALS AND INTERNAL IMPROVEMENTS.

On petition of W. B. Campbell, (inexpedient) - - - - -	165
On communication of board of internal improvements, in regard to tolls on New Albany and Vincennes road and southern division Central canal, - - - - -	174
On petition of T. Gridley and A. P. Penneman for relief, - - - - -	314
On bill to regulate disbursement of inter. improv. fund, &c. - - - - -	315
On several bills referred, - - - - -	421-4
On petition of Lindley & Moulden, (inexpedient) - - - - -	423
On bill No. 244, of House Rep. for the relief of J. B. Moulton, Geo. D. Prentice, and G. W. Weissenger, (inexpedient) - - - - -	505

On petition of John Smith, for the appointment of a special commissioner on the Wabash dam, No. 4, (inexpedient)	507
--	-----

AGRICULTURE.

On resolution relative to reducing tolls to millers, (inexpedient)	100
--	-----

CLAIMS.

On petition of J. B. Johnson for relief, (inexpedient)	455
--	-----

CORPORATIONS.

On bill No. 24, of the Senate, to incorporate St. Gabriel college,	178
On bill 59, of H. Rep., to incorporate the Laughery bridge company,	283
On sundry bills referred,	509—11

EDUCATION.

On so much of Governor's message as recommends the conversion of surplus revenue fund into bank stock,	116
On petition of Josiah Grover and others,	118
On regulation concerning tipling houses, (inexpedient)	297
On report of Treasurer of State in relation to the surplus revenue,	364

ELECTIONS.

On resolution in regard to liability of contestors of elections, (inexpedient)	137
On resolution in relation to restricting voters to their townships, (inexpedient)	
On credentials of members,	236

JUDICIARY.

On resolution in relation to interest on judgments, (inexped.)	68
On petition of W. B. Campbell and others, for extension of term to Ripley circuit court,	68
On resolution relative to revision of astray law, (inexpedient)	74
On resolution relative to amendment of road law,	74
On resolution relative to repealing execution law of 1840, (inexpedient)	74
On resolution requiring prosecuting witnesses to pay costs where there is a failure to convict, (inexpedient)	100
On petition of Peter McKouski, (inexpedient)	106
On bill No. 14, of the Senate, relative to crime and punishment	108
On resolution relative to tolls on public works,	108

On bill No. 26, of Senate, for the relief of W. H. Evans,	108
On bill No. 15, of H. R. for the relief of Benedict O'Neal,	108
On resolution in relation to probate court system,	109
On bill No. 25, of the Senate,	110
On resolution relative to execution law,	116
On bill of Senate, No. 20,	116
On bill No. 27, of Senate, concerning sales on execution,	120
On resolution requiring county commissioners to give bond, (inexpedient)	122
On resolution directing an inquiry whether the State is legally bound to pay interest on bonds for which she has received no part of the consideration,	146
On various subjects,	149—151
On bill No. 24, H. R. in relation to suits in chancery,	192
On various subjects,	204, 5, 6, 7, 8
On several resolutions of inquiry, &c., (inexpedient)	220, 21, 2, 3, 24
On the petition of Sarah Bailey for divorce, (inexpedient)	222
On petition of Enoch and Ann Rue, for divorce, (inexped.)	257
On several bills referred,	258
On various bills referred,	498—503

FEDERAL RELATIONS.

On so much of Governor's message as relates to a distribution of the proceeds of public lands,	246
On joint resolution relative to the sub-treasury,	259

FINANCE.

On bill for relief of contractors on W. and E. canal,	226
On joint resolution providing for the civil list, and various other subjects,	454
On bill No. 160, of H. R. to value the property of the state,	468
On bill No. 161, of H. Rep. prescribing the duties of county auditor,	470
On bill No. 162, for the election of county assessor,	481
On bill No. 164, pointing out the mode of levying the taxes,	482
On bill No. 163, prescribing the duties of county treasurer,	484
On joint resolution of Senate, No. 146, in relation to the bonds of the state wrongfully obtained by M. C. and Banking company,	525
On bill of H. Rep. to provide for the appointment of a fund commissioner,	602

ROADS.

On resolution in relation to election of supervisors, (inexpedient),	164
On several resolutions, (inexpedient),	330—31

STATE BANK.

	PAGE.
On so much of governor's message as relates to paying the bank debt, -	130
On joint resolutions in reference to a national bank, -	210

STATE LIBRARY.

On the annual report of the state librarian and a resolution directing an examination of the state of the library, -	597
--	-----

STATE PRISON.

On bill No. 148 of the II. R. to amend act concerning the state prison, -	424
---	-----

OF SELECT COMMITTEES.

Appointed to wait on the Governor, -	9
Appointed to wait on Rev. Mr. Goode -	10
Appointed to wait on Gov. and Lt. Gov. elect, -	12
On bill for relief of Cecil Brandt, -	29
On petition of Wyllis Peck, -	29
On resolution in regard to borrowers of sinking fund, &c. -	43
On bill of H. R. authorizing special term of the circuit court of Putnam county, -	51
On bill relative to formation of 12th circuit, -	51
On petition of Zeba Holt and others, -	65
On resolution relative to jurisdiction of justices in Fountain county, -	69
On petition relative to Grant county -	76
On bill No. 9 of Senate, -	78
On resolution relative to electing prosecuting attorneys, -	78
On resolution relative to prohibiting the issuing of individual notes -	78
On striking out "thirty" and "sixty" in resolution relative to apportionment, -	80
On various other propositions relative to apportionment, -	80-83
On petition of Job. Garner and others -	85
On resolution in relation to revision of laws -	91
On memorial of friends relative to mills and millers -	91
On bill creating new circuit, &c., -	129
On so much of governor's message as relates to legislative expenses, public printing, &c., -	137
On resolution relative to confining voters to their respective townships, -	159
On so much of governor's message as relates to W. and E. canal, -	179

On resolution in relation to drafts of the fund commissioners, -	189
On governor's message in relation to W. and E. canal (minority,) -	212
On bill of senate No. 62, suspending public works, -	249
On petition &c. for the repeal of act incorporating Delphi (inexpedient,) -	299
On bill of H. R. to abolish capital punishment, -	310
On petitions and remonstrances relative to dividing Kosciusko and Wabash counties, &c., -	319
On bill to modify the system of internal improvements, -	340
On petitions and remonstrances in regard to new county -	358
On bill No. 200 of H. R., relative to county of Blackford -	440
On same subject, by Mr. Fwing, minority of committee, -	441
On bill and petition for the formation of Tipton county -	545
On bill of H. R. No. 251, extending the time of payment to purchasers of school land in Randolph county, -	547
On petition of sundry citizens of Carroll county, praying a repeal of the law requiring debtors to be sued in the townships in which they reside, (inexpedient,) -	548
On several petitions, (inexpedient,) -	550
On sundry petitions relative to the formation of a new county out of Carroll and Clinton, (inexpedient,) -	640

RESOLUTIONS.

Subject matter of.	Mover's name.	Action of Senate.
Informing H. of R. of organization of Senate, - - -	Mr. Hanna,	page. 6
Admitting editors of newspapers to seats, - - -	Baird of St. J.,	6
Directing doorkeeper to procure thermometer, - - -	Clark,	6
Adopting rules, - - -	Stafford,	6
Authorizing doorkeeper to contract for papers, - - -	Nave,	7, 28
Relative to election of auditor, treasurer, &c., - - -	Wright,	9
Relative to assistant doorkeepers, - - -	Thompson,	11
Ordering the printing of governor's message, - - -	Carr,	11
Returning thanks of senate to Hon. D. Hillis, late lieutenant governor, - - -	Blair,	12
Directing an inquiry into expediency of electing members of congress by general ticket, - - -	Hanna,	28
For printing inaugural address of governor Bigger, - - -	Stevenson,	28
To amend standing rules of senate, - - -	Baird of St. J.	28
To apportion the representation in general assembly, - - -	Thompson,	28
To amend the act prohibiting small notes, - - -	Test,	29, 30,
Relative to salaries of auditor, secretary, and treasurer, - - -	Stevenson,	67, 69
Relative to correspondence between treasurer of state and commissioner of general land office, - - -		30
Relative to amending the law regulating interest on money, - - -	Watts,	30
Relative to postage allowed John Cain, - - -	Clark,	35
Relative to duties of justices of peace, - - -	Parker,	35
Granting relief to borrowers of sinking fund, &c., - - -	Mendenhall,	35
Relative to amending practice act, &c., - - -	Nave,	36
Relative to state bank issuing small notes, - - -	Thompson,	36
Relative to carpeting the floor of senate chamber, - - -	Baird of St. J.,	39
	Test,	39

RESOLUTIONS—Continued.

Subject matter of.	Mover's name.	Action of Senate.
Relative to assessing and collecting revenue, - - -	Mr. Thompson,	40
Relative to adjournment, - - -	Baird of St. J.,	41
Relative to appropriations on the Cumberland road, - - -	Hanna,	43
In reference to re-organization of probate court system, - - -	Hargrove,	43
Relative to electing prosecuting attorneys, - - -	Tannehill,	43
In reference to taxing pedlars of merchandize, - - -	Aker,	43
Relative to roads and highways, - - -	Herriott,	43
Relative to applying certain fees to purposes of education - - -	Nave,	43
To change the mode of appointing county treasurers, - - -	Watts,	44
To inquire as to progress made in revising laws, - - -	Hargrove,	52
Relative to a revision of the estray law, - - -	Aker,	52
Relative to amendment of common school law, - - -	Berry,	52
Relative to amendments to the act incorporating congressional townships, &c. - - -	Elliott,	52
Relative to amendment of revenue law, - - -	Stafford,	52
To abolish capital punishment, - - -	Thompson,	53
Relative to tolls taken by millers, - - -	Baird of St. J.,	53
To require real estate to bring two-thirds of its value before it can be sold, - - -	Wright,	53
To procure information in regard to situation of surplus revenue, &c., - - -	Nave,	53
Relative to sales of state bonds, their situation, &c., - - -	Harris,	54
Relative to repealing execution law of Feb. 16, 1839, - - -	Clark,	54
Relative to the surplus revenue, - - -	Baird of St. J.,	54
Relative to the stay law, - - -	Elliott,	54
Relative to liability of state to pay interest on bonds sold for which the state has received no part of the consideration, - - -	Dobson,	54

RESOLUTIONS—Continued.

Subject matter of.	Mover's name.	Action of Senate.
For the protection of state house against fire, - - -	Mr. Mount,	55
In relation to fund commissioners, -	Lowe,	59
Relative to owners of land thro' which public works run and are suspended, -	Stevenson,	66
To enforce the payment of tolls on public works, - - -	Collins,	66
Extending jurisdiction of justices in certain cases, - - -	Morgan,	66
For the amendment of the school law, -	Everts,	66
For the amendment of execution law, -	Wright,	66
Requiring prosecuting witnesses to pay costs in certain cases, - - -	Herriott,	66
To authorize supervisors of roads to take timber &c., to repair roads, - - -	Hanna,	66
Relative to redemption of treasury notes	Elliott,	70
Relative to redeeming 50 dollar treasury notes, - - -	Thompson,	71
To amend the 3d sec. of election law -	Berry,	71
For the election of state librarian &c. -	Nave,	72
To amend the revenue law, - - -	Mount,	72
To make drafts on fund commissioners receivable for W. and E. canal lands, -	Wright,	72
To redeem drafts of canal commissioners, -	Ewing,	72, 86
Relative to the printing of last year, -	Test,	74
Relative to payment of bank debt and issuing small notes, - - -	Parker,	77, 97
Relative to the taxes of 1839 and 1840, -	Hargrove,	77
Relative to White Water canal, - - -	Mount,	77
To amend the act organizing supreme court, &c., - - -	Nave,	77
To amend act relative to roads and highways, - - -	Wright,	78
Relative to apportionment of senators and representatives, - - -	Nave,	80
Relative to superintendents on Wabash and Erie canal, and salaries, - - -	Ewing,	85
Relative to re-modelling the cir. courts, -	Watts,	85, 95
Requesting the chief engineer to answer resolutions of last year, relative to E. and Michigan canal, - - -	Chamberlain,	86

RESOLUTIONS—Continued.

Subject matter of.	Mover's name.	Action of Senate.
Requiring board of county commissioners to give bond and security, -	Mr. Herriott,	86
Requiring voters to vote in their own townships, - - -	Wright,	86
In relation to tolls on south end of central canal, &c., - - -	Baird of St. J. Arion,	92
In relation to chaplain to state prison, -		92
Relative to punishment for illegal voting, - - -	Mendenhall,	92
Requiring county commissioners to give bond, - - -	Williams,	92
Directing an inquiry into the propriety of refusing to pay interest on bonds fraudulently obtained, - - -	Chamberlain,	92
Authorizing the sale of old carpet, -	Nave,	92
Relative to steam boats taking wood, &c. -	Kinzer,	93
Directing the Secretary and other officers to make annual reports to Governor, - - -	Nave,	93
Regulating the fees of certain officers, &c., - - -	Wright,	93
Relative to application of labor on Michigan road, - - -	Chamberlain,	93
Relative to present condition of work on N. A. and V. McAdamized r'd, &c. -	Collins,	96
Relative to tax on individual bank stock, -	Williams,	97
In relation to the relative forwardness of the public works, - - -	Stevenson,	97
Relative to furnishing catalogue of state bonds, &c., - - -	Ewing,	98
Relative to amending laws in regard to surplus revenue, - - -	Hargrove,	100
Calling on directors of state bank for information as to whether they have appointed committee to confer with legislature, - - -	Cravens,	100
Relative to state bank and internal improvement system, - - -	Test,	102—9
Relative to borrowers of the sinking fund, - - -	Ewing,	154
		109

RESOLUTIONS—Continued.

Subject matter of.	Mover's name.	Action of Senate.
Calling on Board of Internal Improvement for information, - -	Mr. Baird of St. J.	PAGE. 110
Calling on Chief Engineer for information, - -	Ewing,	112
In relation to adjournment, -	Test,	116
Calling on Board of Internal Improvement for information, - -	Baird of St. J.,	118
Calling on Board of Internal Improvement for information, - -	Harris,	119
Relative to adjourning over till Monday,	Chamberlain,	119
Relative to amending school law, -	Everts,	123
In relation to the Sinking Fund, -	Ewing,	124
Inviting D. H. Colerick Esq. to a seat in the Senate Chamber at his pleasure,	Thompson,	130
Calling on Board of Internal Improvement for information, - -	Clark,	130
Relative to amending school law,	Nave,	141
Relative to the late printer of the H. of R. and his sureties, -	Parker,	141
Relative to the \$5 treasury notes,	Williams,	141
To amend the law relative to county Seminaries, - -	Clark,	145
In relation to joint resolution relative to the repeal of the Sub-treasury bill,	Chamberlain,	145
Relative to Agricultural Societies,	Stevenson,	152
Relative to calling on Sinking Fund, &c.	Wright,	152
Relative to the discounts of the several Branch Banks, - -	Parker,	152
Relative to the recovery of escheated lands, - -	Ewing,	154
Relative to amending road law, -	Watts,	155
Relative to ascertaining the value of property exempt from execution,	Clark,	155
In relation to tippling houses, -	Kinzer,	160
In relation to amending the school law,	Morgan,	160
On the same subject, - -	Nickel,	160
Calling on Treasurer of State for information, - -	Parker,	160
Relative to amending the road law,	Clark,	160
Relative to amending the school law,	Berry,	160

RESOLUTIONS—Continued.

Subject matter of.	M over's name.	Action of Senate.
Relative to suits before justices of the peace, - -	Mr. Clark,	161
Relative to the liability of Fund commissioners for bonds transferred for which no consideration has been received, - -	Dobson,	162
Calling on H. R. for Documents accompanying Governor's Message,	Carnan,	163
Requesting H. R. to return Apportionment bill, - -	Chamberlain,	170
Relative to changing the time of meeting of Gen. Assembly, - -	Nickel,	172
Relative to the amount of stock in the various incorporations of the state subject to taxation, - -	Eggleston,	172
Requesting Board of Int. Imp. to give information in regard to M. & I. rail road & Cross cut canal, - -	Dobson,	176
Call on Board of Int. Imp. for information, - -	Stevenson,	178
To amend act relative to crime and punishment, - -	Nave,	178
In relation to stockholders in the Lawrenceburgh & Indianapolis rail road company, - -	Cravens,	178
Relative to the time of making assessments, - -	Baird of St. J.,	179
Relative to Madison and Indianapolis rail road, - -	Dobson,	179
In relation to Mr. Clay's land bill,	Baird of St. J.,	190
In relation to domestic attachments,	Clark,	219
In relation to justices of the peace,	Ewing,	225
In relation to the construction of the school law, - -	Aker,	226
Relative to the State Library,	Carnan,	226
Relative to adjournment, - -	Stafford,	227
Of H. R. concerning the death of Sergeant-at-arms, - -		231
Of Senate on the same subject, - -	Dobson,	231
Of H. R. in relation to Hon. George Boon deceased, - -		239

RESOLUTIONS—Continued.

Subject matter of.	Mover's name.	Action of Senate.
Of Senate on the same subject, Approbating the sentiments of Mr. Car- nan's report on the tariff and public lands, - - - - -	Mr. Moffatt,	PAGE. 239
Relative to adjourning sine die, - - -	Test,	247
Relative to deeds and conveyances, -	Clark,	290
Relative to banks lending corporations,	Test,	291
Relative to the public works, and the counties interested in them, - - -	Ewing,	291
Relative to allowance to witnesses in a certain cause, - - - - -	Parker,	291
Relative to the liabilities of the state, -	Morgan,	301
Relative to fees of justices of peace, -	Dobson,	322
Calling on state bank for information, -	Baird of St. J.	322
Relative to issuing bonds and redeem- ing treasury notes, - - - - -	Hanna,	322
Relative to Wabash and Erie canal, -	Collins,	322
Relative to election of public printer, (H. Rep.) - - - - -	Wright,	322
Relative to encouragement of domestic manufactures, - - - - -		348
Giving permission to preach in Senate chamber, - - - - -	Arion,	363
Relative to order of business, - - -	Thompson,	363
Relative to county seminary funds, -	Thompson,	384—6
To go into the election of prosecuting attorney of 5th circuit, - - -	Riley,	386
Requesting H. Rep. to return adjourn- ing resolution, - - - - -	Stafford,	412
Relative to classifying the public works,	Elliott,	433
Relative to claims of committee ap- pointed to examine the Indiana Uni- versity, - - - - -	Cravens,	433
In relation to classification of the pub- lic works, - - - - -	Berry,	442
Relative to the election of Librarian, &c., (from H. Rep.) - - - - -	McCord,	457
Reciprocated by Senate, - - - - -		524
In relation to the election of keeper of the state house and librarian, from H. Rep.) - - - - -	Stevenson,	524
		533

RESOLUTIONS—Continued.

Subject matter of.	Mover's name.	Action of Senate.
In relation to abolishing imprisonment for debt, - - - - -	Mr. Chamberlain,	PAGE. 549
In relation to amending the execution law, - - - - -	Ewing,	550
Relative to the election of a fund com- missioner, - - - - -	Dobson,	619
Returning thanks to Hon. Sam'l Hall, President of the Senate, - - - - -	Chamberlain,	629
In relation to adjourning, - - - - -	Baird of St. J.	629
In relation to assistance to Enrolling Secretary, - - - - -	Dobson,	629

RULES.

Joint rules adopted	6
Notice to amend rules of senate by Mr. Moffatt	9
Amendment to, adopted	13
Ordered to be printed	13
Notice to amend by Mr. Baird of St. J.	28
Amendment to, adopted,	34
Notice to amend joint rules, by Mr. Mount,	44
Notice to amend rules by Mr. Thompson,	51
Amendment to, adopted,	54
Notice to amend by Mr. Moffatt,	92
Notice to amend by Mr. Parker,	431
Amendment adopted	437

SECRETARY OF STATE.

Report of in reference to state library	28
“ in reference to resignation of D. R. Eckles	30
“ in relation to his salary and perquisites,	34
“ on the subject of enumeration of persons charged with poll tax, -	41
“ in relation to the votes given for and against the call of a convention -	42
New officer elected,	38
Communication from, enclosing correspondence between Gen. Stapp and the Morris Canal and Banking Company, relative to rail road iron, -	335

STATE BONDS.

Report of judiciary committee in regard to liability of state to pay interest on, where principal is not received, -	146
---	-----

T

TREASURER OF STATE.

Annual report made,	10
Report of, relative to three per cent. fund, -	30
“ relative to surplus revenue -	30
“ relative to postage -	47
“ in relation to his salary and fees -	49
“ in regard to stationary, -	185
“ in relation to the civil list, -	187
New officer elected, -	38

V

VALEDICTORY.

Of Hon. David Hillis, late Lieut. Governor, -	26
---	----

